



**Guideline for  
Presentation in Good Order**

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# GUIDELINE FOR PRESENTATION IN GOOD ORDER

## INTRODUCTION

The Federal Election Commission's Guideline for Presentation in Good Order (the "Guideline") is designed for presidential candidates seeking federal matching funds as a supplement to financing their primary campaigns for nomination to the Office of the President. Candidates who choose this option are required to follow the Guideline in order to receive matching fund payments (comprised of voluntary taxpayer check-off dollars). See 11 CFR §9033.1(b)(9), 11 CFR §9034.8(a)(2)(i), 11 CFR §9036.1(b)(7), 11 CFR §9036.2(b) and 11 CFR §9036.5(c).

The Guideline serves a twofold purpose. It enables candidates to maximize their access to federal matching funds while streamlining the Commission's task of reviewing matching fund requests (submissions) and certifying to the Secretary of the Treasury that the candidate has met all of the requirements that entitle him or her to receive matching payments. To achieve these objectives, the Guideline sets forth a uniform format for the presentation of submissions, together with specifying a quality of content standard that must be met after a Matching Fund Request has been accepted for review. In the selection and arrangement of materials, the various questions that have arisen in the matching fund program during previous primary election cycles have been taken into account and addressed.

The priorities established by the public financing statutes provide that a shortfall in the balance of the Presidential Election Campaign Fund will affect the availability of matching funds for primary candidates before it affects the financing of general election candidates or nominating conventions. See 26 U. S .C. §9006(c), 26 U. S .C. §9008(a), and 26 U. S .C. §9037. Accordingly, Treasury rules set aside funds for the nominating conventions and general election candidates prior to depositing funds in the Presidential Primary Matching Payment Account. See 26 CFR §701.9006-1 and 26 CFR §701.9037-1. Thus, if a shortage of primary funds occurs in a particular month, the Treasury regulations set forth a formula for determining the amount each candidate will receive as partial payment and the amount that will be treated as certified for the next month. All eligible primary candidates will receive payments on the same day once a month.

## GUIDELINE FOR PRESENTATION IN GOOD ORDER

### OVERVIEW

A matching fund request (or “submission”) is comprised of ten elements<sup>1</sup>, each of which is discussed separately within this Guideline:

1. A data file containing all information required by and described in this Guideline.
2. Photocopies or digital images of written instruments and where necessary, photocopies or digital images of additional documentation signed by the contributor for whom a matching amount is being requested.<sup>2</sup>
3. Bank Documentation indicating that the listed contributions were deposited into a designated depository.
4. A listing of all contributions returned by the bank as unpayable (NSF) regardless of whether submitted for matching, together with photocopies or digital images of the written instruments.
5. A listing of all refunded contributions, regardless of whether submitted for matching.
6. Documentation as described in this Guideline to support the matchability of any contribution received as a result of joint fundraising activities.
7. Documentation as described in this Guideline to support the matchability of any contribution received as a result of entertainment events when such contributions are submitted.
8. A certification signed by the Treasurer, that attests to the fact that all information/documentation contained in the submission is accurate and complete.
9. Computerized files, if required pursuant to 11 CFR §9036.1 and 11 CFR §9036.2.

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<sup>1</sup> Submissions made after a candidate’s date of ineligibility must also contain a statement of net outstanding campaign obligations (NOCO statement). See the Financial Control and Compliance Manual for instructions on preparing a NOCO statement.

<sup>2</sup> Documentation requirements for contributions received by credit card are discussed in Chapter II.

10. At least 85% of the contributions submitted must be matchable. (This provision is not applicable to submissions made on the last submission date in the year preceding the Presidential election or to submissions made during the Presidential year until the candidate's date of ineligibility.)

Each matching fund request submitted must contain elements 1 to 10 for a determination of good order to be made and acceptance for review. Where the initial review of a matching fund request indicates that more than 15% of the submitted contributions are non-matchable, the submission will be returned to the candidate/committee for corrective action as detailed within this Guideline.

In order for a contribution to be considered matchable on its face, it must meet the following criteria. Should the criteria not be met, additional documentation will be required to make the contribution matchable.<sup>3</sup> See Chapter V for documentation requirements for contributions requiring additional documentation.

1. The contribution must be made via a written instrument, i.e.: check (drawn on a personal account). Money orders, cashiers checks, and checks drawn on non-personal accounts may be matchable if accompanied by additional documentation. (11 CFR §9034.2(a)(1)) Credit card contributions may also be matchable. (11 CFR §9034.2(b))
2. The written instrument must be dated, physically received and deposited by the candidate or authorized committee(s) on or after January 1, of the year preceding the calendar year of the Presidential election but no later than December 31 of the year of the election. (11 CFR §9034.2(a)(4)) Credit card contributions must also be received and processed during the same time frame.
3. The contribution must be deposited in a designated campaign depository maintained by the candidate's authorized committee(s). (11 CFR §9034.2(a)(3))
4. The written instrument must be made payable to the candidate or his/her authorized campaign committee(s). (11 CFR §9034.2(c))
5. The account holder whose name appears imprinted on the check must sign the written instrument. In the case of joint accounts, the contribution will be considered from the account holder who signs the written instrument. (11 CFR §9034.2(c)(1)) (See Chapter V, Exception Code C-2 for documentation requirements for contributions from partnerships.)

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<sup>3</sup> This criteria does not to apply to credit card contributions. See Chapter II for matchability of credit card contributions.

The following types of contributions are not matchable:

1. Cash contributions. (11 CFR §9034.3(j))
2. In-kind contributions. (11 CFR §9034.3(a))
3. A subscription, loan, advance or deposit of money, or anything of value. (11 CFR §9034.3(b))
4. A contract, promise or agreement, whether or not legally enforceable, such as a pledge card. The actual contribution that results from the promise or the pledge is matchable if it meets the criteria for a matchable contribution noted above. (11 CFR §9034.3(c))
5. Contributions that are made or accepted in violation of 2 U.S.C. §441a (contributions in excess of the individual's limitation).
6. Prohibited funds from a corporation or labor organization. (2 U.S.C. §441b). See 11 CFR §110.1(g) for rules applying to contributions from limited liability companies.
7. Prohibited funds from a government contractor. (2 U.S.C. §441c)
8. Funds from a political committee as defined in 11 CFR §100.5 or any group of persons other than those named at 11 CFR §9034.2(c)(3).
9. Prohibited funds from a foreign national. (2 U.S.C. §441e)
10. Contributions in the name of another. (2 U.S.C. §441f)
11. Contributions in the form of the purchase price for an item with significant intrinsic and enduring value, such as a watch. (11 CFR §9034.3(g))
12. Contributions in the form of the purchase price paid for or otherwise induced by a chance to participate in a raffle, lottery, or similar drawing for valuable prizes. (11 CFR §9034.3(h))
13. Contributions that are made by persons without the necessary donative intent to make a gift or made for any purpose other than to influence the primary election. (11 CFR §9034.3(i))
14. Contributions redesignated for a different election or redesignated for a legal and accounting compliance fund pursuant to 11 CFR §9003.3. (11 CFR §9034.3(k))

**Chapter I**

**ESTABLISHMENT OF ELIGIBILITY WITH THRESHOLD SUBMISSION**

**A. GENERAL REQUIREMENTS**

To establish eligibility to receive primary matching fund payments, a 20-state threshold submission must be presented, either together with, or preceded by, a letter of Candidate and Committee Agreements and Certifications as required by 26 U.S.C. §9033(a) and 11 CFR §9033.1 and 11 CFR §9033.2 (“9033 Letter”). The 9033 Letter (and any amendments) and the data file for the threshold submission will be placed on the public record. The threshold submission must contain a list of contributors within each of at least 20 states in which the candidate has received contributions, of which the matchable portion must total more than \$5,000. (11 CFR §9033.2(b)(3)(i)). A threshold submission may be submitted at any time after January 1 of the year preceding the election year.

Upon presentation of the threshold submission, the Audit staff will review the following for conformance with the Good Order requirements of the Guideline (11 CFR §9036.4(b)):

- (1) Computer files,
- (2) Bank Documentation,
- (3) NSF Listing,
- (4) Contribution Refund Listing,
- (5) Documentation Required for Proceeds from Joint Fundraising Events,
- (6) Documentation Required for Proceeds from Entertainment Events, and
- (7) Committee Treasurer’s Certification



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If the threshold submission is found to be in Good Order, the candidate/committee will be given a receipt for the submission that acknowledges the date on which it was presented to the Commission. The threshold submission data file will be placed on the public record.

If the threshold submission has not been prepared as specified by this Guideline, the Audit staff, after consultation and with the concurrence of the Office of General Counsel, will return the submission to the candidate/committee for correction.

### **B. PRESENTATION OF A THRESHOLD SUBMISSION/TIME REQUIRED FOR EXAMINATION**

1. The Commission's regulations at 11 CFR §9033.4(b) specify that, during the Presidential election year, the Commission will make an eligibility determination generally within 15 business days of receipt of a threshold submission unless the provisions of this Guideline (failure to establish eligibility) discussed at Section P. of this Chapter are applicable.
2. During the year preceding the Presidential election year, the regulation cited at 1. above specifies that an eligibility determination will be made "as soon as practicable" after receipt of a threshold submission.

### **C. CERTIFICATION OF ELIGIBILITY AND INITIAL PAYMENT**

1. During the year preceding the election year, the Commission will make an eligibility determination only. All certifications of eligibility and amounts to be paid for submissions received and reviewed during the year preceding the election will be certified by the Commission and forwarded to the Secretary of the Treasury in December for payment after January 1 of the year of the election. (11 CFR §9036.1(c)(3)).
2. During the election year (matching payment period), an initial payment of \$100,000 will be certified within 10 business days of the Commission's determination of eligibility. (11 CFR §9036.1(c)(2)).
3. If an initial payment of \$100,000 was certified upon establishment of eligibility during the matching payment period, that amount will be deducted from the amount certified for the first non-threshold submission.

### **D. CANDIDATE AND COMMITTEE AGREEMENTS AND CERTIFICATIONS** ("9033 Letter")

1. Pursuant to 26 U.S.C. §9033, 11 CFR §9033.1 and 11 CFR §9033.2, each candidate/committee seeking federal matching funds must submit a 9033 letter, signed by the candidate, to the Federal Election Commission. To ensure that all

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conditions specified in the Presidential Primary Matching Payment Account Act and its governing regulations are completely satisfied, a suggested format for the 9033 Letter appears at Appendix 1.

- a. In the event the candidate/committee changes the person designated to receive federal matching funds or the depository into which the payments will be deposited, that information must be submitted to the Commission prior to the transfer of any federal funds into a new depository. The committee treasurer rather than the candidate may sign such an addendum to the original 9033 Letter. (11 CFR §9033.1(b)(8)). The United States Treasury will transfer funds only into the depository listed on the certification that is received from the Commission.
  - b. Because all 9033 Letters and any amendments to original letters are placed on the public record, the bank account number should not be included with the designation of the depository. That information should be transmitted separately by the candidate/committee to the U.S. Treasury.
2. The 9033 Letter may be submitted at any time after January 1 of the year preceding the election. (11 CFR §9036.1(a)). It may precede the threshold submission or accompany the threshold submission. No threshold submission will be accepted for review and no eligibility determination to receive matching payments will be made until such time as the candidate has submitted a signed 9033 Letter which fully satisfies the provisions of 11 CFR §9033.1 and 11 CFR §9033.2.
3. If the 9033 Letter is found to be incomplete, the Audit staff will notify the candidate/committee informally after consultation with the Commission's Office of General Counsel. (11 CFR §9039.2(b)). Where the candidate/committee agrees to either supplement or replace the incomplete letter as suggested, the Commission or its staff will take no further action. The 9033 Letter will be deemed to have been received as of the date the appropriate supplemental information or appropriate replacement document is received.
4. If the candidate/committee disputes the staff determination that the 9033 Letter is incomplete as submitted, the Commission will provide, in writing, the legal and factual reasons for the determination that the letter does not meet the provisions of 26 U.S.C. §9033, 11 CFR §9033.1 and 11 CFR §9033.2. Until such time as the matter is resolved, the 9033 Letter will be viewed as yet incomplete and the threshold submission will not be considered for review. (11 CFR §9033.2(a)(2)).

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### E. FORMAT FOR THRESHOLD SUBMISSION DATA FILE

1. The data file for the threshold submission must include at least 20 or more states selected by the candidate/committee to establish eligibility.<sup>4</sup> (The first non-threshold submission should then include all matchable contributions submitted in the threshold submission, except for those identified as non-matchable during the threshold submission review. See Appendix 4a for contributor data file layout. 11 CFR §9036.2(b)(1)).<sup>5</sup>
2. The contributor data file must present the contributors by full name (last name, first name, middle initial, and suffix, if any) within each selected state. A contributor shall be listed in only one state. (11 CFR §9036.1(b)(1)).

### F. INFORMATION REQUIRED FOR EACH LISTED CONTRIBUTOR

1. Each contributor must be listed by full name (i.e., last name, first name, middle initial, and suffix, if any), with the contributor's residential address. The residential address must include the street number and name, city, state and zip code. (11 CFR §9036.1(b)(1)(i)).
2. Contributors whose aggregate contributions to the candidate/committee during an election cycle exceed \$200 (regardless of whether all of the contributions are submitted) must be further identified by occupation (job title) and name of employer. (11 CFR §9036.1(b)(1)(ii)).
3. Contributions submitted for married individuals must be listed separately, even if the contribution is received in the form of one check. (11 CFR §9036.3(c)(1)). Contributions drawn on accounts maintained by more than one person must contain the signature(s) of each accountholder to whom all or a portion of such contribution is attributed. The signature may be on the check or accompanying supporting documentation. (11 CFR §9034.2(c)(1)).
4. The full dollar amount of each contribution submitted for matching purposes and date (deposit date plus batch number) must be shown. (11 CFR §9036.1(b)(1)(iii) and 11 CFR §9036.1(b)(1)(iv)).

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<sup>4</sup> Where possible the Commission suggests that the candidate/committee include 22-23 states from which contributions with matchable portions totaling \$5,500 - \$6,000 have been received to allow for possible errors.

<sup>5</sup> The threshold submission must be viewed as a submission by which eligibility is established rather than a request for a payment of matching funds. Regardless of the verified matchable amount, only an initial payment of \$100,000 is certified if presented and/or reviewed during the matching payment period.

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5. The matchable dollar amount being submitted must be shown for each listed contributor. (11 CFR §9036.1(b)(1)(v)).
6. The correct aggregate dollar amount of contributions, or portions thereof, submitted to date for each contributor must be included. (11 CFR §9036.1(b)(1)(vi)).
7. Each contribution must include the date it was deposited and must be referenced to and accompanied by a copy of the bank deposit slip on which it was deposited. (11 CFR §9036.1(b)(1)(iii) and 11 CFR §9036.1(b)(3)). The deposit date may be used as the reference to the bank deposit slip and must appear on the data file as well as on the photocopy or digital image of the written instrument. A batch number should be added to the deposit date for referencing multiple deposits on the same date.

### G. SUMMARY INFORMATION REQUIRED ON DATA FILE OR SEPARATE DOCUMENT

1. The total dollar amount submitted for each selected state, with a grand total for all states.
2. The number of contributors listed in each selected state, with a grand total of all contributors.
3. An explanation of the method used to reference the contributions to the deposit slips and bank documentation must be included.

### H. SUPPORTING DOCUMENTATION FOR REQUESTED AMOUNTS

1. Full-size photocopies of each written instrument or digital images, legible as to date, amount, payee and signature, must be submitted in support of each contribution that is to be used for establishing eligibility in each state. (11 CFR §9036.1(b)(3)). The term "legible" means that the name of the contributor, the name of the recipient/payee, and the date and amount of the contribution can be read on a good quality photocopy or digital image of the written instrument. If the name of the contributor is imprinted on the instrument, a fully legible (decipherable as the name of the listed contributor) signature is not required. Photocopies or digital images need include only the front of the written instrument, except for third party checks, which require a photocopy or digital image of both sides of the check attesting to the endorsement to the candidate/committee.<sup>6</sup> The documentation required for credit card contributions is discussed in Chapter 2, Credit Card Contributions.

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<sup>6</sup> The contributor in these instances is the individual who last specifically endorsed the written instrument without qualification to the candidate/committee and who executed the endorsement to the candidate/committee in his or her own hand.

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2. Photocopies of the individual written instruments must be grouped into the same order as they are listed on each state's alphabetical list. Digital images do not have to be segregated alphabetically by contributor within each state. (11 CFR §9036.1(b)(3)).
3. Each photocopy or digital image of the written instrument must be referenced to and accompanied by a copy of the deposit slip on which it was deposited. This may be accomplished by using the deposit date with a batch number for multiple deposits on a single date.  
(11 CFR §9036.1(b)(3)).

### I. BANK DOCUMENTATION

1. Documentation which indicates that the listed contributions were deposited into a designated depository<sup>7</sup> must be provided as follows:
  - a. Bank validated deposit slips are acceptable and should be obtained for recently deposited contributions for which a bank statement may not be available at the time the threshold submission is presented.
  - b. Non-bank validated deposit slips plus photocopies of bank statements showing the deposit are acceptable. (11 CFR §9036.1(b)(4)).

### J. NSF LISTING

1. An NSF listing, prepared alphabetically by contributors' full name for each selected state, of all checks returned by the bank from the committee's inception to date as unpaid (NSF, stop-payments, etc.) must be included with the threshold submission regardless of whether the item is submitted for matching. (11 CFR §9036.1(b)(5)). A bank statement covering a period two weeks beyond the date of redeposit must accompany any check that is returned as non-payable and redeposited. The NSF listing may be provided in an electronic format.
  - a. In the event that recently deposited contributions become non-payable and the bank statement is not yet available, a cut-off bank statement should be requested and presented with the threshold submission. Once the bank statement is available, it should be submitted.
2. The following information must be included on the NSF listing for all checks returned by the bank as non-payable:
  - a. Full name and mailing address of the contributor,

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<sup>7</sup> "Designated Depository" means that, at the time of deposit, the depository was designated pursuant to 11 CFR §103.2.

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- b. Date and amount of the check, and
  - c. Deposit and redeposit (where applicable) dates.
3. A photocopy of each NSF check (both sides) to which a photocopy of the associated debit memo is attached and a copy of the relevant bank statement must be provided for each item included on the NSF listing.
  4. In the event a debit memo(s) does not identify the specific NSF item, the amount shown on the debit memo(s) must be added to the excess \$5,000 eligibility threshold for each state in order to ensure that no contribution that became non-payable to the candidate/committee is included as a matchable contribution and used to establish eligibility in any state. (For example, if unidentified debit memos total \$300, the eligibility threshold amount for each State must exceed \$5,300 rather than \$5,000).
    - a. Where the bank statement contains a debit memo which may represent a contribution that became non-payable which is not included on the NSF listing, and by its omission, a copy of the debit memo is not submitted, the Audit staff may request, that the candidate/committee provide the information in order to clarify that the debit memo resulted for a reason other than a non-payable contribution. (11 CFR §9039.2(b)).
  5. If no deposited contributions became non-payable by the bank, a statement to that effect, signed by the treasurer, will satisfy the Good Order requirements with respect to the NSF listing.

### K. CONTRIBUTION REFUND LISTING

1. A contribution refund listing, prepared alphabetically by the contributors' full name for each selected state, of all contribution refunds made by the candidate/committee from inception to date must be included in the threshold submission regardless of whether the item is submitted for matching. The contribution refund listing may be provided in an electronic format. (11 CFR §9036.1(b)(6))
2. The following information must be included on the contribution refund listing for all refunds:
  - a. Full name and mailing address of the contributor,
  - b. Deposit date/batch number and full amount of contributor's check for which all or a portion was refunded,
  - c. Total amount of contributions received from contributor, and

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- d. Amount of refund.
3. A photocopy of each refunded contributor check must be provided for each item included on the contribution refund listing.

### L. DOCUMENTATION TO SUPPORT THE MATCHABILITY OF CONTRIBUTIONS RECEIVED AS A RESULT OF JOINT FUNDRAISING OR ENTERTAINMENT EVENTS

1. If contributions received from joint fundraising activities are included, a copy of the joint fundraising agreement, signed by representatives of each participating candidate/committee, must accompany the threshold submission. (11 CFR §9034.2(c)(7)). Contributions received as the result of joint fundraising are matchable for only the percentage of each contribution received as stipulated in the joint fundraising agreement. (11 CFR §9034.8(c)(1)). In addition, any contribution which has been attributed to the candidate/committee in a percentage other than the basic percentage contained in the joint fundraising agreement shall be accompanied by documentation showing the re-allocation and the basis or reason for the re-allocation.
2. The full amount of the contribution made to the event must be shown on the contributor data file, with the allocated amount (or portion to be submitted) to the candidate/committee listed as the amount requested.
3. If contributions from entertainment events are included, a copy of the promotional material and a copy of a ticket at each price must accompany the threshold submission. (11 CFR §9034.2(c)(5)). The promotional material and tickets must clearly indicate that such purchase represents a contribution to the candidate/committee. (11 CFR §9034.2(c)(5)).
4. If it is not evident from the face of a written instrument (e.g., the name of the payee or a notation) that a contribution was received as a result of a joint fundraising or entertainment event, the contributor data file must identify the contribution as such.

### M. CERTIFICATION FROM COMMITTEE TREASURER REGARDING THE COMPLETENESS AND ACCURACY OF INFORMATION SUBMITTED

1. Each threshold submission must be accompanied by a certification, signed by the committee treasurer, which attests to the fact that all information and documentation contained in the submission is complete and accurate. (11 CFR §104.14).

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2. The certification shall also include the following information (see example at Appendix 2).
  - a. Identification of the type of submission (i.e., threshold submission).
  - b. Coverage dates of deposits of submitted contributions.

**N. METHOD OF REVIEW AND NOTICE OF RESULTS**

1. Contributions in the threshold submission will be reviewed on a 100% basis, using the standard exception codes described in Chapter V of this Guideline until the matchable portion of the contributions totaling more than \$5,000 have been verified in each of 20 States. (In particular, see exception codes H-1, H-4, and H-5 regarding types of contributor data file deficiencies prohibited for establishing eligibility).

**O. ELIGIBILITY ESTABLISHED<sup>8</sup>**

1. Where the threshold submission review determines that a candidate's eligibility to receive matching funds has been established, the Audit Division will prepare and forward an eligibility report for Commission consideration.
2. If occurring in the year preceding the election, the candidate/committee will be notified either by telephone, e-mail or fax within 1 business day after the eligibility report has been considered and advised of the Commission's determination. A letter will follow which formally advises the candidate/committee of the Commission's acceptance and approval of the eligibility report. (11 CFR §9036.1(c)). The letter will also notify the candidate/committee of the designated submission and resubmission dates to be used during the period of eligibility. After notification, the candidate/ committee may begin presenting matching fund requests for review once a month. (11 CFR §9036.2(a)). However, during the year before the election, only matching fund requests for which the requested amount exceeds \$50,000 shall be accepted for review. (11 CFR §9036.2(c)).

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<sup>8</sup> If the candidate's submission or the submission with the committee's disclosure reports contains patent irregularities suggesting the possibility of fraud, the Commission may deny the candidate's eligibility and conduct a properly circumscribed investigation under 11 C.F.R. 9039. If, however, there are questions about the candidate's eligibility for public funds that do not rise to the level of patent irregularities suggesting the possibility of fraud, the Commission may initially determine that the candidate is eligible and conduct an investigation under 11 C.F.R. 9039 to resolve any outstanding questions about the candidate's eligibility. The information from an investigation conducted under 11 C.F.R. 9039 may be used to: 1) determine the candidate's eligibility, 2) suspend additional matching fund payments to a candidate, and 3) seek a repayment of public funds that have already been paid to the candidate. 11 C.F.R. 9039(a)(2).



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3. Since no payments may be transferred prior to January 1 of the election year, a certification for payment for all submissions reviewed during the year preceding the election will be made to the Secretary of the Treasury in December of the year before the election.
4. If eligibility is established during the year of the election, in addition to the steps described in O.2. above, a certification of eligibility will be transmitted to the Secretary of the Treasury, along with a certification for an initial payment of \$100,000 within the ten calendar days as specified at 26 U.S.C. §9036(a) and 11 CFR §9036.1(c)(2).
5. The Commission suggests that prior to the initial certification to the Secretary of the Treasury, each candidate/committee contact the Office of Financial Management Service at the Department of Treasury to arrange for a method of payment. The candidate/committee must also transmit by letter to the Department of Treasury the bank account number in the designated depository. Any changes to the designated depository or account number must be transmitted to the Department of Treasury to prevent any delays in the receipt of payments.

### P. FAILURE TO ESTABLISH ELIGIBILITY

1. If the review of a threshold submission reaches a point where it is determined that the candidate/committee has not submitted contributions, the matchable portion of which totals more than \$5,000, in at least 20 States, the Audit staff will cease the review.<sup>9</sup>
2. The candidate/committee will be notified by either telephone, e-mail or fax within 1 business day (followed by written notice) of the results of review for each affected state. The Audit Division will prepare the notice after consultation with the Office of General Counsel. (11 CFR §9039.2(b)). (See example of notices at Appendix 3(a) and Appendix 3(b)).
3. The notice will advise the candidate/committee on each reviewed state in which eligibility was not established, the amounts verified as matchable and non-matchable, the identity of the contributions and the reasons the contributions were determined to be non-matchable for purposes of establishing eligibility. Copies of the non-matchable written instruments or contributor listings will accompany the notice.
4. Where possible, representatives of the candidate/committee are encouraged to meet with the Audit staff regarding the notice(s) and the applicable Guideline

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<sup>9</sup> For example, if contributions from 23 States were submitted, at the point where it is determined that the eligibility requirements were not met in 4 States, the review will stop, regardless of whether 1 or 19 States remain.

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- requirements in order to expedite the necessary remedial action throughout the threshold submission.
5. The threshold submission, or necessary portions thereof, will be returned to the candidate/committee in order that corrections can be made to all submitted states. A receipt identifying documents retained by the Audit staff and those returned to the campaign shall be prepared and furnished.
  6. The "generally" 15 business day timeframe specified at 11 CFR §9033.4(b) becomes extended by the number of business days required by the candidate/committee to correct the threshold submission. This extended time begins on the date on which the candidate/committee receives the notice(s) for the affected states and ends on the date corrections are presented.
  7. A corrected threshold submission may be presented on any business day following its return to the candidate/committee.
  8. When a corrected threshold submission is presented, the initial review will be limited to the state(s) for which a notice(s) was sent. If that review determines that matchable contributions do not exceed \$5,000, the procedure specified at 1. through 6. above will again be applicable.

### **Q. COMMISSION DETERMINATION OF INELIGIBILITY**

1. If after a second opportunity to correct the threshold submission, the candidate/committee fails to meet the eligibility requirements, the Audit staff will prepare and forward an eligibility report containing a negative recommendation for Commission consideration in making its initial determination in the matter. (11 CFR §9033.4(b)).
2. As provided at 11 CFR §9033.4(a)(2), the Commission shall notify the candidate/committee of its initial determination regarding the failure to establish eligibility to receive primary matching funds. (Also, see 11 CFR §9033.10(b)).
3. Within 30 calendar days after service of the Commission's initial determination, the candidate/committee may satisfy the threshold requirements or submit written legal and factual materials to demonstrate that the eligibility requirements have been met. (11 CFR §9033.4(a)(2) and 11 CFR §9033.10(c)).

<b>SUMMARY STATE ALPHA LISTING - THRESHOLD SUBMISSION ONLY</b>		
	<b>SUBMITTED FOR MATCHING</b>	
<b>STATE<sup>10</sup></b>	<b>AMOUNT</b>	<b>NUMBER OF CONTRIBUTORS</b>
ALABAMA	\$6,500.00	50
IOWA	\$7,250.00	65
<b>SUMMARY INFORMATION</b>		
1. Total amount of contributions submitted for Threshold Submission	\$225,750.00	
2. Total count of contributors on Threshold Submission	950	
3. Period covered by Threshold Submission	01-01-XX – 10-31-XX	

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<sup>10</sup> Summary listing to include all states submitted in Threshold Submission.

**Chapter II**

**CREDIT CARD CONTRIBUTIONS**

**A. INTRODUCTION**

This chapter deals with the matching of contributions made by credit and debit cards including those received via the internet, telephone, or by transaction slip. The Commission's regulation at 11 CFR §9034.2 permits the matchability of such contributions as long as sufficient safeguards are in place to provide assurances that only permissible contributions are submitted for matching. Although the Commission has not mandated a particular set of safeguards that must be followed by all campaigns that accept contributions made over the internet, Advisory Opinion 1999-09 (See Appendix 23) contains procedures that the Commission has determined are adequate to meet the requirements of the FECA. Also, documentation must be provided to render the contributions matchable.

**B. GENERAL REQUIREMENTS**

1. Each category of credit or debit card transaction described below must be processed using a credit card processor or credit card company.
2. A copy of the processing report from the credit card processor or credit card company for each contribution batch processed must accompany each submission. The processing reports may be submitted either as photocopies or digital images. Each entry on the report must be referenced to an entry on the credit card processor's or credit card company's periodic statement.
3. In addition, each submission must be accompanied by an electronic file that contains the information provided by the contributor at the time the contribution was made. At a minimum, the file must contain the full name of the contributor, the amount of the contribution, the last four digits of the credit card number (do not include the card's expiration date), and the contribution batch number. This file is separate from the contributor data file required under 11 CFR §9036.1(b)(2).
4. In addition to the information described above, the submission must contain copies of the statements (monthly, biweekly, etc.) provided by the credit card processor and/or credit card company for each merchant account used to accept any credit or debit card contribution.

## Chapter II Credit Card Contributions

5. The submission must also include copies of bank statements for all accounts into which the credit or debit card contributions were deposited.

### C. CONTRIBUTIONS RECEIVED VIA THE INTERNET

1. All contributions made via the Internet shall be subject to billing address verification by the credit card company or the candidate's credit card processor. The verification must be based upon, at a minimum, characters from the street address and the zip code, and the card expiration date.
2. The certification letter signed by the treasurer must attest to the fact that a method of billing address verification is in place. Further, the treasurer must certify that contributions will not be accepted unless the billing address verification system reports an exact match with the information provided by the contributor.
3. A document containing the information input by the contributor onto the processing company's web page must be provided. At a minimum the information should include the contributor's full name, address, the date of the contribution, the amount of the contribution, the type of credit or debit card used (Visa, MasterCard, American Express, Discover, etc.) and last four digits of the contributor's credit or debit card account number. This document may be submitted as either a photocopy or digital image.
4. A copy (such as a screen scrape) of the electronic form(s) used to process contributions made via the internet must be provided to insure that the safeguards described in section C.5. below have been adequately addressed.
5. The method of documenting the permissibility of the contribution must be provided to the Commission for review on a case-by-case basis. As noted above, although the Commission is not mandating a particular method to document the permissibility of these contributions, Advisory Opinion 1995-09 and Advisory Opinion 1999-09 include procedures and safeguards that the Commission deems adequate. Following is a listing of the acceptable procedures.
  - a. The contribution solicitation form on the Web page contains clear and conspicuous language that informs the prospective contributor of the source restrictions and contribution limitations. This includes, but is not limited to, informing the contributor: (1) of the \$2,300 contribution limitation and (2) that contributions are not permissible from corporations, labor unions, and national banks, (including through corporate or other entity credit cards) or from persons contributing in the name of another; or from foreign nationals and government contractors.

## Chapter II Credit Card Contributions

- b. The prospective contributor will have to successfully complete an electronic form and transmit that form to the Committee for processing. This form will contain, but not be limited to, the contributor's name as it appears on the credit or debit card, the billing address, the last four digits of the credit or debit card number, the expiration date of the card, the contributor's residential address, and the amount of the contribution. Should the contributor fail to fully complete the form, the form will be rejected and the contributor will be prompted to provide the missing information.
- c. To screen for possible corporate or business entity cards, if the address provided by the contributor is different than the billing address, the contributor will be notified that corporate or business entity credit cards are not acceptable and that the contribution must represent personal funds. The contributor will have the option of canceling the transaction or proceeding.
- d. The contributor will be required to check a series of boxes to confirm the legality of the contribution. These will include, but not be limited, to: (1) confirmation that the contribution is made from his or her own funds and not those of another; (2) the contribution is not made from the funds of a corporation, labor organization or national bank; (3) the contributor is not a Federal government contractor or foreign national (which includes individuals who lack permanent resident status in the United States); and (4) the contribution is made on a personal credit or debit card for which the contributor has a legal obligation to pay and is made neither on a corporate or business entity card nor on the card of another. If any information is missing the form will be rejected.
- e. Once the form is successfully completed, the data will be sent directly to the credit card processor where the contributor information, including the billing address, account number, and expiration date, will be verified and the transaction processed.

### D. CONTRIBUTIONS RECEIVED VIA TELEPHONE

In addition to the information contained in B above, credit or debit card contributions made by telephone must be accompanied by and referenced to a statement signed by the contributor which includes the contributor's full name, address, the date of the contribution, the amount of the contribution, the type of credit or debit card used (Visa, MasterCard, American Express, Discover, etc.) and the last four digits of the contributor's credit card number, and an affirmation that the contribution represents the contributor's personal funds. This statement may be submitted as a photocopy or digital image. The statement signed by the contributor will provide assurance of the permissibility of the contribution.

## Chapter II Credit Card Contributions

### E. CONTRIBUTIONS RECEIVED VIA TRANSACTION SLIP

In addition to the information contained in B. above, the submission must contain a copy of the transaction slip signed by the contributor. The copies of the transaction slips may be either photocopies or digital images. The copy of the signed transaction slip will provide assurance of the permissibility of the contribution.

### F. CREDIT CARD CHARGE BACKS OR DISPUTED CHARGES

Each submission must contain a listing of all credit or debit card contributions that were charged back to the candidate's accounts or disputed by the cardholder regardless of whether the item is submitted for matching. The listing may be submitted electronically. Each contribution must be referenced to and accompanied by copies of the contribution processing batch report where it was initially deposited and to the entry on the credit card processor's statement or the credit card company's statement where the reversal was posted.

### G. REFUNDED CONTRIBUTIONS

Each submission must contain a listing of all refunds made by crediting the contributor's credit or debit card account regardless of whether the item is submitted for matching. The listing may be submitted electronically. Each contribution refund must be referenced to and accompanied by copies of the contribution processing batch report where it was initially deposited and to the entry on the credit card processor's statement or the credit card company's statement where the refund was posted.

**Chapter III**

**MATCHING FUND REQUESTS**

**A. GENERAL INFORMATION**

**1. Designated Submission Dates**

Once a candidate's eligibility to receive payments from the Presidential Primary Matching Payment Account has been established by the Commission, the candidate/committee may begin to present matching fund requests once a month on dates designated by the Commission. (11 CFR §9036.6). A matching fund request must be submitted by 5:00 P.M. on a designated submission date. During the "matching payment period" payments to eligible candidates/committees will be certified, upon completion of review, once a month on dates to be determined and published by the Commission.

Although no federal matching payments can be transferred before January 1 of the year of the election, the Commission will accept one matching fund request per month that requests in excess of \$50,000 for review during the year preceding the year of the election. At the conclusion of each review, the candidate/committee will be advised of the certifiable amount for each submission. The total amounts will be certified to the Secretary of the Treasury in December of the year preceding the election with payment made after January 1 of the year of the election. (11 CFR §9036.2(c)).

**2. Final Submission Date**

The final date for presenting a matching fund request is the first Monday in March of the year after the election. (11 CFR §9036.6).

**B. DETERMINATION OF GOOD ORDER UPON PRESENTATION**

1. Upon presentation of a matching fund request, the Audit staff will review the (1) contributor data file, (2) written instruments/digital images, (3) bank documentation, (4) NSF listing, (5) contribution refund listing, (6) documentation required for proceeds from joint fundraising, (7) documentation required for proceeds from entertainment events, and (8) committee treasurer's certification for conformance with the Good Order requirements of the Guideline. (11 CFR §9036.4(a)). If found to be in Good Order, the candidate/committee will be given



## Chapter III MATCHING FUND REQUESTS

a receipt for the submission which acknowledges the date on which it was presented to the Commission.

2. If the matching fund request has not been prepared as specified by this Guideline, the Audit staff, after consultation and with the concurrence of the Office of General Counsel, will return the submission to the candidate/committee for correction. The candidate/committee will be advised by a notice listing the reasons for the determination that the submission was not in Good Order. (See example of Notice of Failure to Meet Standards of Good Order at Appendix 5a). Where a submission can be corrected and presented within five (5) business days after the date on which the determination that the Good Order standards were not met, it will be accepted for review. (11 CFR §9036.4(a)(1)).
3. In order to ensure that the Commission's staff resources are efficiently utilized, a "quality of content" standard has been established as part of the Good Order requirements. (11 CFR §9036.4(a)(2)). Only matching fund requests where the initial review indicates that at least 85% of the submitted contributions are matchable will be accepted and payment amounts certified. This standard does not apply to submissions made on the last submission date of the year preceding the election through the date of the candidate's ineligibility. Corrected submissions and resubmissions will be received in accordance with 11 CFR §9036.4 and 11 CFR §9036.5. A submission will not be considered corrected until the projected dollar value of non-matchable contributions has been reduced to no more than 15% of the amount requested.

### C. TYPES OF REVIEW

1. Each matching fund request is subjected to a two-part review using statistical sampling techniques. (11 CFR §9036.4(b)). The comparison review (contributor data file compared to written instrument) identifies non-matchable contributions as described in exception codes A to H, the aggregation review identifies non-matchable contributions covered by exception code J. Based upon the results of the sample review, a dollar value reduction, together with an error rate, will be calculated for each exception code. (11 CFR §9036.4(b)). The dollar value reduction is calculated in the following manner: Number of errors divided by sample size, multiplied by the amount requested. (See Section P. of this chapter regarding Summary of Review Results).

### D. CONTRIBUTIONS REQUIRING ADDITIONAL DOCUMENTATION

1. Contributions that are received by a candidate/committee without the additional documentation required for matching should be deposited and withheld from submission by the candidate/committee until the required additional documentation is obtained from the contributor or appropriate source. After the documentation is received, the contribution and documentation should be submitted for matching. (See FEC Financial Control and Compliance Manual for

## Chapter III MATCHING FUND REQUESTS

Presidential Candidates Receiving Primary Election Financing, Chapter IV for discussion of a system for processing “later matchable contributions.” (Also see 11 CFR §9036.3).

2. Appendices 7-22 of this Guideline include suggested formats for obtaining the required additional documentation for contributions drawn on certain types of non-personal accounts and/or where the signature of the contributor is omitted. The Commission's and the candidate/committee's experience in past election cycles with respect to the formatting of the additional documentation has been that, if the contributor to whom it is sent for signature is presented with options regarding the contribution, the required information may not be obtained. It is suggested that conflicting statements be avoided because all or none may be checked and signed. Therefore, the suggested formats that appear in the Appendices present a positive statement to be signed by the contributor. The formats also request an explanation if the positive statement is inaccurate. For the most part, the inaccuracy would be with respect to the fact that the contribution has been attributed to the wrong individual (in which case the proper contributor may be identified and submitted for matching) or that it is from prohibited sources.

### E. INFORMATION REQUIRED FOR EACH LISTED CONTRIBUTOR

1. Each contributor must be listed by full name (i.e., last name, first name, middle initial, and suffix (Jr., Sr., III, etc.), if any) with the contributor's mailing address. The mailing address must include the street number and name (or box number), city, state and zip code. See Appendix 4 for contributor file requirements. (11 CFR §9036.2(b)(1)).
2. Contributions submitted for joint accountholders must be recorded separately, even if the contribution is received in the form of one check. (11 CFR §9036.3(c)(1)). However, contributions drawn on accounts maintained by more than one person must contain the signature(s) of each accountholder to whom all or a portion of such contribution is attributed. The signature may be on the check or accompanying supporting documentation. (11 CFR §9034.2(c)(1)).
3. The full dollar amount of each contribution submitted and date (deposit date plus batch number) must be included (11 CFR §9036.1(b)(1)(iii) and 11 CFR §9036.1(b)(1)(iv)).
4. The dollar amount being submitted for matching must be shown for each listed contribution. (11 CFR §9036.1(b)(1)(v)).
5. The correct aggregate dollar amount of contributions submitted for matching to date for each contributor must be included. (11 CFR §9036.1(b)(1)(vi)). The aggregate total is to include all contributions submitted for matching regardless of whether any are rejected as non-matchable or later become NSF.

### Chapter III MATCHING FUND REQUESTS

6. Each contribution must include the date it was deposited and must be referenced to the bank deposit on which it was deposited. (11 CFR §9036.1(b)(1)(iii) and 11 CFR §9036.1(b)(3)). The deposit date may be used as the reference to the bank deposit (as well as on the copy of the written instrument). A batch number should be added to the deposit date for referencing multiple deposits on the same date.
7. Where copies of written instruments are being submitted in deposit batch order (as described at G.4 of this chapter), the contributor data file must also include the sequence number assigned to each contribution within the deposit batch.
8. If not evident on the face of the written instrument, each contribution received as a result of joint fundraising activities and/or entertainment events must be annotated as such.

#### F. SUMMARY INFORMATION REQUIRED ON CONTRIBUTOR DATA FILE OR SEPARATE DOCUMENT

1. The total amount of contributions requested to be matched.
2. The total number of contributors contained on the contributor data file must be provided.
3. An explanation of the method used to reference the contributions to the deposit slips and bank documentation must be included.

#### G. SUPPORTING DOCUMENTATION FOR REQUESTED AMOUNTS

1. Full-size photocopies or digital images of each written instrument, legible as to account holder, if the check is imprinted with the account holder's name, date, amount, payee and signature(s), must be submitted in support of each contribution for which a matching amount is being requested. The term "legible" means that the name of the contributor, the name of the recipient/payee, and the date and amount of the contribution can be read on the photocopy or digital image of the written instrument. If the name of the contributor is imprinted on the written instrument or digital image, a fully legible (decipherable) signature is not required. Copies and scanned images need include only the front of the written instrument, except for third party checks, which require a photocopy or scanned image of both sides of the check attesting to the endorsement to the candidate/committee.<sup>11</sup>

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<sup>11</sup> The contributor in these instances shall be the individual who last specifically endorsed the Written Instrument without qualification to the Candidate/Committee and who executed the endorsement to the Candidate/Committee in his or her own hand.

### Chapter III MATCHING FUND REQUESTS

2. Legible and full-size photocopies or digital images of the written instruments and any additional documentation required by this Guideline may be submitted in the same order as they are listed on the contributor data file or as described in G.4. below. (11 CFR §9036.2(b)(1)(vi)).
3. Each photocopy or digital image of the written instruments must be referenced to the deposit on which it was deposited. This may be accomplished by using the deposit date with a batch number for multiple deposits on a single date. (11 CFR §9036.2(b)(1)(vi)).
4. As an option to an alphabetical arrangement, photocopies or digital images of the written instruments may be batched in deposits of 50 contributions or less and cross-referenced by deposit number and a sequence number within each deposit.
  - a. Batch deposits shall be arranged in chronological order by month, day, and ascending batch numbers. Additional documentation for contributions batched by deposit should be submitted in alphabetical order and referenced to the sequence number at which the contributor's name is listed.
  - b. Where a "later matchable" contribution may be withheld and submitted at a later date than those contained in a batch deposit, upon its submission, only a copy or scanned image of the written instrument is required, provided the correct deposit date reference is entered onto the contributor data file.

#### H. BANK DOCUMENTATION

1. Documentation must be provided as follows which indicates that the contributions listed were deposited into a designated depository:
  - a. Bank validated deposit slips are acceptable and should be obtained for recently deposited contributions for which a bank statement may not be available at the time the matching fund request will be submitted.
  - b. Non-bank validated deposit slips plus photocopies of bank statements showing the deposit are acceptable. (11 CFR §9036.1(b)(4)).

## Chapter III MATCHING FUND REQUESTS

### I. NSF LISTING<sup>12</sup>

1. A straight alphabetical listing of all contributors whose checks were returned by the bank to date (or within the period covered by the submission) as unpaid (NSF, stop-payments, etc.) must be included with each matching fund request regardless of whether the contributions were submitted for matching. (11 CFR §9036.2(b)(1)(iii) and 11 CFR §9036.4(c)). This listing may be filed in an electronic format. For the purpose of compiling the NSF listing, a check should not be considered NSF until the candidate/committee has stopped its efforts to receive payment on it, such as redepositing after its first rejection and then it being twice rejected as non-payable by the bank. A contribution represented by such a check should not be included in a matching fund request until it has been paid. If it is the candidate/committee's practice to make no redeposit of an NSF check(s), the contributor's name will be immediately placed on the NSF listing.
2. The following information must be included on the NSF listing for all checks returned by the bank as non-payable:
  - a. Full name and mailing address of the contributor;
  - b. Date and amount of the check;
  - c. Deposit and redeposit (where applicable) dates; and
  - d. If previously submitted for matching, the submission number on which the check was included.
3. A photocopy or scanned image of each NSF check (both sides) to which the associated debit memo is attached and a copy of the relevant bank statement must be provided for each item included on the NSF listing.
4. If no deposited contributions became non-payable by the bank during the period covered by the submission, a statement to that effect, signed by the treasurer, will satisfy the Good Order requirements with respect to the NSF listing.

### J. CONTRIBUTION REFUND LISTING<sup>13</sup>

1. A straight alphabetical listing of all contributors to whom contribution refunds have been issued for the period covered by each matching fund request must be included, regardless of whether the contributions were submitted for matching. (11 CFR §9036.2(b)(1)(iv)). This listing may be filed in an electronic format.

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<sup>12</sup> See Chapter II, *Credit Card Contributions*, for information required to be provided for credit card charge backs.

<sup>13</sup> See Chapter II, *Credit Card Contributions*, for information required to be provided for refunds of contributions made by credit card.

### Chapter III MATCHING FUND REQUESTS

2. The following information must be included on the Contribution Refund Listing for all refunds:
  - a. Full name and mailing address of the contributor;
  - b. Deposit and full amount of contributor's check for which all or a portion was refunded;
  - c. Total amount of contributions received from contributor;
  - d. Amount and date of refund check; and
  - e. An indication of which matching fund submission the contribution was included in.

#### K. DOCUMENTATION TO SUPPORT THE MATCHABILITY OF CONTRIBUTIONS RECEIVED AS A RESULT OF JOINT FUNDRAISING OR ENTERTAINMENT EVENTS

1. If contributions received from joint fundraising activities are included, a copy of the joint fundraising agreement, signed by representatives of each participating candidate/committee, must accompany the submission. (11 CFR §9034.2(c)(7)). Contributions received as the result of joint fundraising are matchable for only the percentage of each contribution received as stipulated in the joint fundraising agreement. (11 CFR §9034.8(c)(1)). In addition, any contribution that has been attributed to the candidate/committee in a percentage other than the basic percentage contained in the joint fundraising agreement shall be accompanied by documentation showing the re-allocation and the basis or reason for the re-allocation. (11 CFR §9034.2(c)(7)).
2. The full amount of the contribution made to the event must be shown on the contributor data file, with the allocated amount (or portion to be submitted) to the candidate/committee listed as the amount requested.
3. If contributions from entertainment events are included, a copy of the promotional material and a copy of a ticket at each price must accompany the submission. (11 CFR §9034.2(c)(5)). The promotional material and tickets must clearly indicate that such purchase represents a contribution to the candidate/committee. (11 CFR §9034.2(c)(5)).
4. If it is not evident from the face of a written instrument (e.g., the name of the payee or a notation) that a contribution was received as a result of a joint fundraising or entertainment event, the contributor data file must identify the contribution as such.

### Chapter III MATCHING FUND REQUESTS

#### L. CERTIFICATION FROM COMMITTEE TREASURER REGARDING THE COMPLETENESS AND ACCURACY OF ALL INFORMATION SUBMITTED

1. Each matching fund request, and re-submission, or any statement of net outstanding campaign obligations (NOCO statement) must be accompanied by a certification, signed by the committee treasurer, which attests to the fact that all information and documentation contained in the submission is complete and accurate. (11 CFR §104.14).
2. The certification shall also include the following information (see example at Appendix 2):
  - a. Identification of the type of submission;
  - b. Coverage dates of deposits of submitted contributions; and
  - c. For submissions/resubmissions made in the year preceding the presidential election year up to and excluding the last submission date in that year, and for submissions/resubmissions made after the candidates date of ineligibility an acknowledgment of the ramifications if, after the initial review, less than 85% matchable contributions have been submitted. (See 11 CFR §9036.2(d)(2))

#### M. METHODS OF REVIEW

1. Where appropriate, and in accordance with Commission approved procedures, matching fund requests of sufficient size (generally 500 or more contributions) will be reviewed by statistical sampling. (11 CFR §9036.4(b)). All others will be reviewed on an 100% basis. When submissions are reviewed using statistical sampling, an error rate will be calculated for exception codes A-J based upon the errors found in the sample. A dollar-value reduction will be calculated and applied to the amount requested.
2. The evaluation of a matching fund request consists of two types of reviews: a comparison review (contributor data file compared to written instrument) and an aggregation review. Both reviews are conducted using the Standard Exception Codes described in Chapter V of this Guideline.

#### N. ADJUSTMENTS TO AMOUNT REQUESTED

1. As part of its review procedures, the Audit staff will determine if the amount requested as provided by the candidate/committee pursuant to F.1. of this Chapter is correct.
2. In the event a different amount is calculated, whether due to errors or NSF contributions or other reasons, the candidate/committee will be advised of the amount of the adjustment and the reasons. This information will be included on

### Chapter III MATCHING FUND REQUESTS

the Summary of the Results of the Review (see P. of this Chapter) that is furnished to the candidate/committee upon completion of the review.

#### O. REJECTION CRITERIA - ERROR RATE IN EXCESS OF 15%

1. For submissions/resubmissions made in the year preceding the presidential election year up to but excluding the last submission/resubmission date in that year, and for submissions/resubmissions made after the candidate's date of ineligibility if the initial statistical sampling review of a matching fund request produces an error rate in excess of 15%, no further processing on the submission will be done. The matching fund request, either in its entirety or the relevant portions, will be returned to the candidate/committee for corrective action.
2. The Audit staff will contact the committee treasurer or appropriate committee representative to advise on the results of the initial review.
3. The candidate/committee will be furnished with the results of the initial review by a summary that will list the amounts rejected as non-matchable and the calculated error rates for each type of exception code noted during the review. An inventory of items returned or retained by the Commission will also be included. (See example at Appendix 5(b)).
4. The candidate/committee will have 5 business days to correct and return the submission in order that it be reviewed and certified on the next regularly scheduled certification date for the original submission. If not corrected and submitted within 5 business days, the committee may return the submission, however it will be considered received on the next regularly scheduled submission date. The committee has the option of withdrawing the submission and the matchable contributions submitted on the rejected submission can be included in the next regularly scheduled submission. (See 11 CFR §9036.4(a)(3)).

#### P. SUMMARY OF RESULTS OF REVIEW

1. Upon completion of the review of a matching fund request, the candidate/committee will be notified of the results of the review by a Summary of the Results of the Review and other pertinent certification information. (11 CFR §9036.4(b)). (See copy of Summary at Appendix 6).
2. The summary includes the amounts rejected under each exception code and the error rate calculated for each.
3. If the review was done by statistical sampling, only the Summary is furnished to the candidate/committee. However, the specific contributions determined to be errors in the sample may be identified if the candidate/committee requests them in writing. Once the rejected contributions have been identified to the



### **Chapter III MATCHING FUND REQUESTS**

candidate/committee, the submission may not be withdrawn and resubmitted. If the candidate/committee believes any contribution was in fact matchable as submitted, the candidate/committee may dispute the Commission's determination in the matter(s) using the procedures outlined in Sections F and G. of Chapter IV of this Guideline. If the committee demonstrates that any contributions among the sample items determined to be non-matchable are matchable as originally submitted, the Audit staff will calculate a new error rate and amount rejected.

4. Where an 100% review was conducted, a listing and copies of the non-matchable contributions, identifying the exception code applied to each, will accompany the Summary.
5. Where an adjustment for previously matched contributions which became NSF or contributions refunded was necessary, the Summary will identify the total amount of NSF and refunded items, the submission(s) in which they were matched, and the percentage of dollars matched in the submission(s). The amount of the adjustment is then based on the matchable percentage of those previous submission(s).
6. Where an adjustment to the amount requested was necessary as described in N. above, the reason(s) for the adjustment will be included on the Summary.

## Chapter IV RESUBMISSIONS

### Chapter IV

### RESUBMISSIONS

#### A. GENERAL INFORMATION

Candidates/committees may present resubmissions for review on the designated submission dates each month. Regardless of size, no more than one resubmission may be presented on each designated date. Payment for a resubmission will be certified on the next designated certification date.

A resubmission must be accompanied by a certification, signed by the committee treasurer, which attests to the fact that all information and documentation contained in the resubmission is complete and accurate. (11 CFR §104.14).

Where a statistical review was conducted, two (2) options for resubmissions are available and are discussed in C. below. For the resubmission of rejected contributions where a 100% review was conducted, the method of resubmission is presented at D. (11 CFR §9036.5(a)).

#### B. FINAL RESUBMISSION DATE

11 CFR §9036.5(b) of the Commission's regulations establishes the first Tuesday of September of the year following the election as the final date on which a resubmission may be presented for review and certification for payment. Because the Department of Treasury obligates funds to the Presidential Primary Matching Payment Account (and the Presidential Election Campaign Fund) by fiscal year, the final date as specified permits both the Federal Election Commission and the Treasury to close out their functions related to public funding at the end of fiscal year after the year of the election.

#### C. RESUBMISSION OF MATCHING FUND REQUESTS REVIEWED ON A SAMPLE BASIS

As described in Chapter III, where a matching fund request has been reviewed by statistical sampling, the candidate/committee will receive only a summary result of review. Based upon the number of errors (non-matchable contributions) in the sample, the summary identifies only the dollar value and percentage reduction applied under each exception code. For submissions reviewed by statistical sampling, there are two (2) options available for resubmission, each with a different resulting payment:

## Chapter IV RESUBMISSIONS

- 1 Resubmission of Entire Matching Fund Request for Restoration of Dollars Originally Rejected
  - a. If this option is selected, the candidate/committee must review the original matching fund request for errors of the type identified on the summary results of review and either make corrections to the contributor data file or obtain additional documentation from the contributor, whichever is appropriate. With this option the entire submission must be resubmitted after all corrections have been made. In reviewing the resubmission, the audit staff will reevaluate the sample results from the original submission review. Where corrections to errors identified in the sample increase the matchable amount of the original submission, an additional amount will be certified on the next scheduled certification date.
  - b. Only contributions included on the original matching fund request may be included on a resubmission. (11 CFR §9036.5(c)). The original amount requested may not be increased. However, where a contribution cannot be rendered matchable by either correcting the database or obtaining additional documentation from the contributor, the contribution may be deleted, which then decreases the total amount requested. With each resubmission the candidate/committee must provide a statement that the corrections have been made to contributor records and the database. (11 CFR §9036.5(c)(6)).
  - c. Photocopies of the written instruments or scanned images and bank documentation need not be provided with a resubmission unless it is necessary to supplement the original set of documentation (e.g., where missing written instruments or insufficient additional documentation caused the original error to occur). However, if the candidate/committee wishes to resubmit a complete set of documentation, it will be accepted. (11 CFR §9036.5(c)(1)).
  - d. The candidate/committee will receive a summary results of review just as for a regular submission.
2. Resubmission of Rejected Sample Contributions for Payment of Only Matchable Face Value
  - a. In this option, the candidate/committee chooses not to resubmit the matching fund request in its entirety. Instead, the candidate/committee may request, in writing, the identification of the specific contributions in the sample that were rejected as non-matchable, together with the reason(s) for each rejection. They may then be resubmitted for payment by using the procedures described in section D. of this Chapter (Resubmission of Matching Fund Requests Reviewed on an 100% Basis).

## Chapter IV RESUBMISSIONS

- b. The format for a resubmission comprised of specific sample contributions is the same as that specified in D. below of this Chapter.
- c. Resubmissions are to contain only contributions that were previously submitted and rejected. With each resubmission of specific items, the candidate/committee must provide a statement that the corrections have been made to contributor records and the database. (11 CFR §9036.5(c)(6)).
- d. Payments certified for contributions included on a resubmission of rejected sample items or those reviewed 100% (as described in sub-Chapter D. below) are limited to only the matchable face value of the written instruments. (See F and G below and 11 CFR §9036.5(e) and 11 CFR §9036.5(f) for procedures regarding disputed determinations of matchability).

### D. RESUBMISSION OF MATCHING FUND REQUESTS REVIEWED ON AN 100% BASIS

After the review of a matching fund request where each submitted contribution was reviewed, the candidate/committee will be notified of any contributions determined to be non-matchable. This notice shall be comprised of the summary results of review, plus a listing of the rejected contributions and copies of the associated written instruments, identified by the exception code under which each was rejected. If clarifying additional documentation is obtained from the contributor or the candidate/committee's contribution records are corrected, the rejected contributions may be resubmitted as specified below. The requirements for a resubmission of this type follow below:

1. Each resubmission must follow the format as specified for regular submissions described in Chapter III. of this Guideline and, in addition:
  - a. The resubmitted contribution must be referenced to the original submission number.
  - b. The contributor's aggregate dollar amount for a specific item resubmission should reflect the aggregate amount in the original submission, plus any subsequent contributions submitted for matching on regular matching fund requests that were presented before the resubmission. Where subsequent contributions were received, each aggregate total must be presented separately. (11 CFR §9036.5(c)(4)).
2. The resubmission must include a statement that the candidate/committee has corrected its contributor records (including the database for those committees using computerized systems). If future matching fund requests demonstrate these changes were not made, the contributions will again be determined as non-matchable and the appropriate adjustment will be made to the next payment certified. In the absence of any further payments, a repayment will be requested pursuant to 26 U.S.C. §9038(b)(1) and 11 CFR §9038.2(b)(1)).

## Chapter IV RESUBMISSIONS

### E. NOTICE OF RESULTS OF REVIEW

1. Following the review of any resubmission that is comprised of specific rejected contributions, the identity of which were requested in writing by the candidate/committee, a summary result of review will be furnished to the candidate/committee. The summary will advise on the amount of payment to be certified to the candidate/committee for the resubmission. Such payment will be certified with the payment for the next matching fund request payment.
2. For any contributions that were determined to be yet non-matchable, the summary will be accompanied by a listing of the rejected contributions, identified by the exception code(s) under which each was rejected as non-matchable. Copies of the written instruments, also identified by the appropriate exception code(s), will be attached to the listing.
3. If the candidate/committee can obtain the additional documentation required for matchability (described in Chapter V of this Guideline) for any twice rejected contribution, the contribution(s) may again be placed on a resubmission list, identified by the original submission number and the resubmission number.
4. If the candidate/committee believes the contribution(s) is matchable as first submitted and/or resubmitted, rather than resubmitting the contribution(s) a second time, the procedures specified at 11 CFR §9036.5(e) and 11 CFR §9036.5(f) and described below at F. should be followed.

### F. DISPUTED DETERMINATIONS OF MATCHABILITY

1. If, after either being furnished copies of rejected contributions (as for a 100% review) or obtaining specific rejected sample items from either a submission or resubmission of an entire submission, the candidate/committee believes any contribution(s) was in fact matchable as submitted, the candidate/committee may dispute the Commission's determination in the matter(s).
2. The candidate/committee must submit, within 30 business days of receipt of the identity of the rejected contributions, written legal or factual reasons as to why the contribution was in fact matchable as first submitted. The Commission will consider the material submitted by the candidate/committee and make a final determination within 30 business days of receipt of the candidate/committee's material. (See G. below for discussion of restoration of dollar reduction vs. only matchable face value upon dispute of matchability). (11 CFR §9036.5(e) and 11 CFR §9036.5(f)).

## Chapter IV RESUBMISSIONS

### G. RESTORATION OF DOLLAR REDUCTION VS. MATCHABLE FACE VALUE ONLY

Chapter V of this Guideline sets forth the matchability requirements for all contributions that may be submitted for matching purposes. It further details certain additional documentation that must be obtained from the listed contributor in order to render some types of contributions matchable. In reviewing matching fund requests, the standards described under each exception code are consistently applied to each contribution reviewed and must be met in order for the contribution to be viewed as matchable upon submission. Where the candidate/committee chooses to dispute the Commission's initial determination of non-matchability of a specific contribution and submits additional documentation or legal and factual reasons to satisfactorily demonstrate matchability, the Commission will calculate a new error rate and amount rejected. If the candidate/committee is unable to demonstrate that a rejected contribution was matchable as resubmitted, the Commission will certify only the matchable face value of the disputed contributions.

**Chapter V STANDARD EXCEPTION CODES FOR REVIEW OF MATCHING FUND REQUESTS**

**Chapter V**

**STANDARD EXCEPTION CODES FOR  
REVIEW OF MATCHING FUND REQUESTS**

**GENERAL**

Through its regulations and this Guideline, the Commission has established certain standards regarding the matchability of contributions to ensure to the greatest extent possible that only those that represent the personal funds of the contributor for whom matching funds are requested are in fact matched with federal dollars. Exceptions to the matchability requirements are discussed in this Chapter and are identified by assigned alphabetical/numerical codes.

The standard exception codes described in this Guideline may not be the sole source for determining that a contribution is non-matchable. Commission procedures provide that information obtained during an inquiry conducted under 11 CFR §9039.3 may also be used as the source for determining the matchability of any contribution submitted for matching purposes.

In carrying out the Commission's responsibilities under the Act, Commission staff may contact representatives of the candidate/committee to discuss questions and to request documentation concerning a campaign's activities of any submissions made. (See 11 CFR §9039.2(b)).

While not answering every question that may arise with respect to whether a contribution will be deemed matchable or non-matchable, the Commission considers the information contained herein regarding certain types and appearances of written instruments to greatly benefit the candidate/committee in its decisions as to whether or not a specific contribution, while permissible under the Act, should be included in a matching fund request. Because of the dollar reduction that may result from inclusion of non-matchable contributions, the information discussed in this Chapter should be considered where a doubt might exist. (Also see Chapter VI for examples of matchability situations).

Each exception code is broken into sub-categories and provides the candidate/committee with more definitive information as to why certain contributions will not (or did not) meet the matchability requirements as detailed in this Guideline. Except for contributions that are never matchable, each is discussed with respect to the specific requirements for matchability and any additional documentation that will be required in order to render a contribution matchable.<sup>14</sup>

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<sup>14</sup> See 11 CFR §9039.2(b) which provides that, upon the request of the Commission's Audit Division and/or Office of General Counsel, the original additional documentation bearing the original signature of the contributor must be submitted.

## **Chapter V STANDARD EXCEPTION CODES FOR REVIEW OF MATCHING FUND REQUESTS**

As stated in prior chapters, because of the statistical sampling procedures used in the matching fund review process, the Commission recommends that candidates/committees submit only those written instruments that are clearly matchable. If upon receipt, a written instrument may be matchable if accompanied by additional documentation signed by the contributor, the Commission recommends that these be held for submission until the appropriate documentation has been obtained.

An immediately matchable contribution is one that is drawn on an individual's personal account and is signed by the identified accountholder. The written instrument bears a full date (month, day, year) reflecting that it was written on or after January 1, of the year prior to the election, but no later than December 31 of the year of the election (provided it was also deposited on that date), is made payable to the candidate or an authorized committee for a presidential campaign, is signed by the account holder and has identical numerical and written amounts. Further, all of the above information can be read on the photocopy or scanned image submitted.

Any contribution that does not conform to that described above should be questioned with respect to its immediate matchability or whether any of the exception codes may apply, thereby rendering it "later matchable" (that which may become matchable upon obtaining the appropriate signed additional documentation) or "never matchable."

Contributions drawn on written instruments that are payable for amounts in excess of \$2,300, are matchable up to \$250. The candidate/committee need not supply evidence of a refund or a redesignation of the excessive amount. In order to submit the excessive portion for another contributor, the reattribution provisions for joint contributions contained at 11 CFR §110.1(k) must be met, together with the appropriate matchability requirements of this Guideline.

The Commission's regulations at 11 CFR §9034.2 contain the matchability requirements for contributions. Non-matchable contributions are discussed at 11 CFR §9034.3. Insufficient documentation which may render some contributions non-matchable is described at 11 CFR §9036.3. The Guideline further details those criteria in discussing the matchability requirements under the standard exception codes.



**Chapter V STANDARD EXCEPTION CODES FOR REVIEW OF MATCHING FUND REQUESTS**

**EXCEPTION CODE A**

**NON-MATCHABLE CONTRIBUTIONS**

**EXCEPTION CODE A-1**

**CONTRIBUTIONS WRITTEN ON ACCOUNTS MAINTAINED BY A CORPORATION, LABOR ORGANIZATION OR GOVERNMENT CONTRACTOR**  
(11 CFR §9034.3(d))

A contribution bearing a reference that the check is drawn on an account maintained by a corporation (such as Corp., LTD., Inc., P.C., P.A., LLC<sup>15</sup>), a labor organization, or government contractor is non-matchable, even if it represents personal funds earmarked by a contributing individual. (11 CFR §9034.3(d) and 11 CFR §9034.3(f)). This provision extends to an individual's account, such as a professional person's account, which indicates the professional practice is incorporated.

**MATCHABILITY AND/OR RESUBMISSION REQUIREMENTS:** Such a contribution should not be submitted for matching. No additional documentation will render such a contribution matchable.

**EXEMPTION:** A contribution, drawn on an individual's apparent personal account that also contains the name of a corporation or labor organization (i.e., as part of the mailing address), is matchable.

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<sup>15</sup> A Limited Liability Company (LLC) that elects to be treated as a corporation by the Internal Revenue Service pursuant to 26 CFR §301.7701.3 or an LLC with publicly traded shares, is considered a corporation pursuant to 11 CFR §114.

**Chapter V STANDARD EXCEPTION CODES FOR REVIEW OF MATCHING FUND REQUESTS**

**EXCEPTION CODE A-2**

**CONTRIBUTIONS WRITTEN ON ACCOUNTS OF POLITICAL COMMITTEES/ORGANIZATIONS**

(11 CFR §9034.3(d))

A contribution, drawn on an account maintained by any type of political committee or organization, including the campaign committee of a non-federal candidate, is non-matchable even if it represents personal funds earmarked by a contributing individual. (11 CFR §9034.3(f)).

**MATCHABILITY AND/OR RESUBMISSION REQUIREMENTS:** Such a contribution should not be submitted for matching. No additional documentation will render such a contribution matchable.

**EXEMPTION:** A contribution on an account that represents an employee participation plan established pursuant to 11 CFR §114.11 is matchable providing the requirement described below is met.

**MATCHABILITY AND/OR RESUBMISSION REQUIREMENTS:** A contribution drawn on the account of a political committee that represents the personal contribution from an individual made through an employee participation plan is matchable providing the contributor's signature is either on the written instrument or additional documentation. (See suggested format for letter to obtain the required additional documentation for such a contribution that appears at Appendix 7).

**Chapter V STANDARD EXCEPTION CODES FOR REVIEW OF MATCHING FUND REQUESTS**

**EXCEPTION CODE A-3**

**WRITTEN INSTRUMENTS REPRESENTING REFUNDS  
AND/OR LOANS; CURRENCY**

(11 CFR §9034.3(b), 11 CFR §9034.3(c), and 11 CFR §9034.3(j))

A receipt representing a refund of any type, an unforgiven loan, or received in the form of currency, either United States or foreign, is non-matchable.

**MATCHABILITY AND/OR RESUBMISSION REQUIREMENTS:** Receipts of the type described above should not be submitted for matching. However, a loan, made by an individual, which subsequently is forgiven, either in whole or in part, by the individual is matchable, providing the written instrument is matchable in every other respect AND a statement, signed by the contributor, is submitted which acknowledges the original loan, the date on which the loan was forgiven, and the amount of the original loan forgiven and contributed to the candidate/committee. (See suggested format for obtaining the required additional documentation that appears at Appendix 8).

**Chapter V STANDARD EXCEPTION CODES FOR REVIEW OF MATCHING FUND REQUESTS**

**EXCEPTION CODE A-4**

**EXCESSIVE PORTIONS OF CONTRIBUTIONS DRAWN ON SINGLE WRITTEN INSTRUMENTS THAT ARE MADE PAYABLE FOR AN AMOUNT GREATER THAN \$2,300**  
(11 CFR §9034.3(e) and 11 CFR §9034.2(c)(1)(iii))

The portion of a contribution in excess of \$2,300 where the amount of the written instrument is made payable for an amount greater than \$2,300, is non-matchable, except for contributions where the excessive portion has been attributed to another contributor provided such reattribution was effected as provided at 11 CFR §110.1(k).

**MATCHABILITY AND/OR RESUBMISSION REQUIREMENTS FOR CONTRIBUTION WHERE EXCESSIVE PORTION HAS BEEN ATTRIBUTED TO ANOTHER CONTRIBUTOR:** The portion in excess of \$2,300 of a single written instrument imprinted with the names of more than one individual may be attributed among the individuals provided the contributors are notified by the committee of how the contribution was attributed within 60 days of receipt of the contribution (See 11CFR § 110.1(k)(3)(ii)(B)(1) and (3)). The amount of the contribution from the individual who signed the check is immediately matchable. In order to submit the portion of the contribution from the other individual the committee must provide a copy of the notification sent within 60 days to the contributors. In addition additional documentation bearing the signatures of all contributors to whom any portion of the excessive amount has been attributed, including the signature of the individual who signed the contribution check must also be submitted. (See suggested format for obtaining the required information on the additional documentation that appears at Appendix 11.)

In the case of a check received in excess of \$2,300 with only one signatory, the requirements at 11 CFR §110.1(k)(3) must be met. As evidence that the contributor reattribution was made within 60 calendar days from the date of receipt, the additional documentation (reattribution letter) must be either accompanied by (1) a copy of the envelope bearing the postmark and the contributor's name or return address or other identifying code; (2) a copy of the additional documentation (reattribution letter) with a date stamp indicating the date of the committee's receipt; or (3) a copy of the additional documentation (reattribution letter) dated by the contributor.

These provisions for reattribution are not applicable to partnership contributions as a partnership contribution is limited to \$2,300. (11 CFR §110.1(e)).

**Chapter V STANDARD EXCEPTION CODES FOR REVIEW OF MATCHING FUND REQUESTS**

**EXCEPTION CODE A-5**

**CONTRIBUTIONS MADE PAYABLE TO OTHER THAN THE CANDIDATE OR AN AUTHORIZED COMMITTEE**  
(11 CFR §9034.2(c))

A written instrument made payable to an individual (except for a third party check) other than the candidate/committee, regardless of any position the individual may have with the campaign organization, is non-matchable. A written instrument made payable to an entity other than the candidate/committee or an authorized committee, or containing a dual payee, is non-matchable unless the payee name represents the name of a function sponsored and authorized by the candidate/committee and a copy of the solicitation material to the event is included with the submission.

**MATCHABILITY AND/OR RESUBMISSION REQUIREMENTS:** A written instrument made payable to an individual other than the candidate or containing a dual payee should not be submitted for matching. No additional documentation will render such a contribution matchable. A written instrument made payable to an entity other than the candidate/committee may be submitted for matching providing the payee name represents a function that was authorized and sponsored by an authorized committee, providing a copy of the solicitation material to the event is included as additional documentation for the contribution or with the submission.<sup>16</sup>

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<sup>16</sup> Where there is more than one contribution made payable to an event or function, one copy of the solicitation material will suffice to support the matchability of all contributions that may be included.

**Chapter V STANDARD EXCEPTION CODES FOR REVIEW OF MATCHING FUND REQUESTS**

**EXCEPTION CODE A-6**

**MISCELLANEOUS NON-MATCHABLE CONTRIBUTIONS**<sup>17</sup>

1. A contribution from a foreign national is non-matchable. (2 U.S.C. §441e and 11 CFR §9034.3(e)).

**MATCHABILITY AND/OR RESUBMISSION REQUIREMENTS:** A contribution from an individual whose mailing or residential address is outside of the United States or its territories shall be accompanied by additional documentation signed by the listed contributor, which acknowledges that he or she is a citizen of the United States or has been admitted as a permanent resident. (See suggested format for obtaining the required information for matchability on the additional documentation at Appendix 9).

2. A contribution that is made without the necessary donative intent or made for the purpose other than to influence the result of a primary election is non-matchable. (11 CFR §9034.3(i)).

**MATCHABILITY AND/OR RESUBMISSION REQUIREMENTS:** A written instrument which bears an indication that its purpose was for other than a political contribution to the presidential campaign of the candidate/committee shall be accompanied by a statement, signed by the contributor, which identifies the specific written instrument (type, number, date and amount) and acknowledges that it represents his/her contribution to the presidential campaign of the candidate/committee.

3. A contribution received in the form of the purchase price paid for or otherwise induced by a chance to participate in a raffle, lottery, or a similar drawing for valuable prizes is non-matchable. (11 CFR §9034.3(h)).

**MATCHABILITY AND/OR RESUBMISSION REQUIREMENTS:** Such a contribution should not be submitted for matching. No additional documentation will render such a contribution matchable.

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<sup>17</sup> This Exception Code sub-category will be applied to any other type of non-matchable contribution not described within this Guideline, but to which the provisions of the Commission's regulations may apply.

**Chapter V STANDARD EXCEPTION CODES FOR REVIEW OF MATCHING FUND REQUESTS**

**EXCEPTION CODE B**

**SAME WRITTEN INSTRUMENT SUBMITTED MORE THAN ONCE**

**EXCEPTION CODE B-1**

**THE SAME WRITTEN INSTRUMENT IS LISTED OR SUBMITTED MORE THAN ONCE FOR MATCHING IN DIFFERENT SUBMISSIONS OR THE SAME SUBMISSION FOR THE SAME CONTRIBUTOR**  
(11 CFR §9036.3(c)(3))

A contribution(s) submitted for a contributor which was previously matched in its entirety or up to \$250 or listed twice in the same or a different submission is non-matchable.

**MATCHABILITY AND/OR RESUBMISSION REQUIREMENTS:** Such a contribution should not be submitted for matching.

**Chapter V STANDARD EXCEPTION CODES FOR REVIEW OF MATCHING FUND REQUESTS**

**EXCEPTION CODE B-2**

**THE SAME WRITTEN INSTRUMENT IS LISTED OR SUBMITTED MORE THAN ONCE FOR MATCHING IN DIFFERENT SUBMISSIONS OR THE SAME SUBMISSION FOR A DIFFERENT CONTRIBUTOR<sup>18</sup>**

A contribution supported by a written instrument which was previously submitted and matched in its entirety for one individual and that is later submitted for a different contributor is non-matchable.

**MATCHABILITY AND/OR RESUBMISSION REQUIREMENTS:** A written instrument(s) which has been previously matched in its entirety for one individual may not be submitted again for attribution, either whole or in part, to another individual. Only a different contribution or one with a remaining unmatched portion may be matched for another individual, as long as any appropriate additional documentation (as described within this Guideline) is provided.<sup>19</sup>

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<sup>18</sup> This Exception Code does not apply to Written Instruments in excess of \$250 where the portion in excess of \$250 is being attributed to and submitted for another individual. (See Appendix 10 for a suggested format for obtaining the required information on the Additional Documentation, from the contributor to whom a portion is being attributed.)

<sup>19</sup> Candidate/Committees that submit contributions attributed in full to one contributor and, at a later date, reattribute an unmatched portion to a different contributor must ensure that contribution records and Title 2 Disclosure Reports are appropriately amended.



**EXCEPTION CODE C**

**INSTRUMENTS DRAWN ON OTHER THAN PERSONAL ACCOUNTS OF CONTRIBUTORS OR ACCOUNTS WHICH APPEAR TO CONTAIN OTHER THAN PERSONAL FUNDS**

**EXCEPTION CODE C-1**

**WRITTEN INSTRUMENTS DRAWN ON APPARENT UNINCORPORATED BUSINESS ACCOUNTS<sup>20</sup>**  
(11 CFR §9034.2(c)(3) and 11 CFR §9036.3(a))

A contribution made by a written instrument drawn on an account identifying a business entity as the accountholder, although not incorporated, is non-matchable unless all requirements described below are met.

**MATCHABILITY AND/OR RESUBMISSION REQUIREMENTS:** The written instrument, or accompanying additional documentation, must be signed by each individual to whom all or a portion of such contribution is attributed. A statement, signed by each individual, must be included by which each contributor acknowledges the contribution by amount and date (deposit date plus batch number and the amount and/or portion to be attributed).<sup>21</sup> The contributor must also state that:

1. The contribution represents his or her personal funds, and
2. The account on which the contribution is drawn is not maintained or controlled by an incorporated entity.

Further, if a contributor cannot readily be associated with a written instrument (e.g., surname Jones as the contributor of a check drawn on the account of Doe Pencil Co.), the signed additional documentation shall specifically acknowledge the written instrument by identifying the accountholder name and check number. (See Appendix I2 for a suggested format for obtaining all information required on the additional documentation.)

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<sup>20</sup> A Limited Liability Company (LLC) with a single natural person member that does not elect to be treated as a corporation by the Internal Revenue Service pursuant to 26 CFR §301.7701-3 shall be attributed only to that single member.

<sup>21</sup> In Advisory Opinion 1980-67, the Commission concluded that the attribution of any portion of such contributions to any person who is not a partner or member of the unincorporated association or business, including any spouse who is not a partner or member, is not permitted.

**Chapter V STANDARD EXCEPTION CODES FOR REVIEW OF MATCHING FUND REQUESTS**

**EXCEPTION CODE C-2**

**WRITTEN INSTRUMENTS DRAWN ON NON-PERSONAL ACCOUNTS MAINTAINED BY ENTITIES SUCH AS A PARTNERSHIP, GROUP, ASSOCIATION OR WHICH APPEAR TO BE OTHER THAN AN INDIVIDUAL'S PERSONAL ACCOUNT**  
(11 CFR §9034.2(c)(3) and 11 CFR §9036.3(a))

A contribution made by a written instrument drawn on an account maintained by a partnership<sup>22</sup>, group, association, or which appears to be other than a personal account is non-matchable unless all requirements described below are met.

**MATCHABILITY AND/OR RESUBMISSION REQUIREMENTS:** The written instrument, or accompanying additional documentation, must be signed by each individual to whom all or a portion of such contribution is attributed.<sup>23</sup> A statement, signed by each individual, must be included on which each contributor acknowledges the contribution by check number, amount, date and the amount and/or portion to be attributed). Each contributor must also state that:

1. The contribution represents his or her personal funds,
2. The account on which the contribution is drawn is not maintained or controlled by an incorporated entity, and
3. He/she is a partner in the partnership or a member of the unincorporated association or business.

Further, if a contributor cannot readily be associated with a written instrument (e.g., surname Jones as the contributor of a check drawn on the account of Smith & Smith), the signed additional documentation shall additionally acknowledge the written instrument by identifying the accountholder name. (See Appendix 13 for a suggested format for obtaining the information required on the additional documentation.)

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<sup>22</sup> A contribution by a Limited Liability Company (LLC) that elects to be treated as a partnership by the Internal Revenue Service pursuant to 26 CFR §301.7701-3, or does not elect treatment as either a partnership or a corporation pursuant to that section, shall be considered a contribution from a partnership pursuant to 11CFR §110.1(e).

<sup>23</sup> In Advisory Opinion 1980-67, the Commission concluded that the attribution of any portion of such contributions to any person who is not a partner or member of the unincorporated association or business, including any spouse who is not a partner or member is not permitted. Further, under 11 CFR §110.1(e), partnership contributions are limited to \$2,300.

**Chapter V STANDARD EXCEPTION CODES FOR REVIEW OF MATCHING FUND REQUESTS**

**EXCEPTION CODE C-3**

**WRITTEN INSTRUMENTS DRAWN ON TRUST, ESCROW, OR ESTATE ACCOUNTS**  
(11 CFR §9034.2(c)(2) and 11 CFR §9036.3(a))

A contribution which is drawn on a trust, escrow, or estate account is non-matchable unless accompanied by additional documentation as described below and signed by each contributor to whom all or a portion of the contribution is being attributed.

**MATCHABILITY AND/OR RESUBMISSION REQUIREMENTS:** A written instrument drawn on a trust, escrow, or estate account must be accompanied by additional documentation signed by each contributor to whom all or a portion of the contribution is being attributed, together with the check number, amount and date of the contribution. The documentation must specify that:

1. The contributor has equitable ownership of the account, and
2. The account contains the personal funds of the contributor.

(See Appendix 14 for a suggested format for obtaining all information required on the additional documentation.)

**Chapter V STANDARD EXCEPTION CODES FOR REVIEW OF MATCHING FUND REQUESTS**

**EXCEPTION CODE C-4**

**WRITTEN INSTRUMENTS DRAWN ON INDIVIDUALS' PERSONAL ACCOUNTS WHICH BEAR A USAGE DESIGNATION**  
(11 CFR §9034.2(c)(3) and 11 CFR §9036.3(a))

A contribution that is drawn on an individual's personal account which bears a designation indicating the account is used for a specific purpose is non-matchable if the designation indicates the account may be used for commercial or business purposes, such as "Office Account," "Business Account," etc. unless accompanied by additional documentation, signed by the contributor, which contains the information described below. (See Appendix 15a for a listing of designations that must be accompanied by additional documentation. A listing of matchable designations requiring no additional documentation, provided the appearance of the check is solely personal,<sup>24</sup> appears at Appendix 15b).

**MATCHABILITY AND/OR RESUBMISSION REQUIREMENTS:** Additional documentation signed by the contributor must accompany the written instrument, which specifies that:

1. The account contains only his or her personal funds, and
2. The account is not funded for his or her use by an incorporated entity.

(See Appendix 16 for a suggested format for a letter to obtain all information required on additional documentation for such a contribution.)

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<sup>24</sup> The "personal appearance of a check" means the size is approximately 2 3/4" x 6", contains an apparent residential address and has no provision for charts of accounts or other business-usage details.

**Chapter V STANDARD EXCEPTION CODES FOR REVIEW OF MATCHING FUND REQUESTS**

**EXCEPTION CODE C-5**

**INADEQUATE DOCUMENTATION FOR MATCHABILITY**  
(11 CFR §9036.3(d))

A written instrument, although accompanied by additional documentation, is non-matchable if all information specified by this Guideline under the matchability and/or resubmission requirements is not included on the required additional documentation.<sup>25</sup>

**MATCHABILITY AND/OR RESUBMISSION REQUIREMENTS:** An additional statement signed by the contributor that supplements or replaces the original documentation must accompany the written instrument.

The resubmission requirements as detailed for this Exception Code are not applicable to a contribution effected by money order, cashier's check, traveler's check or other similar negotiable instrument as such resubmission is prohibited under 11 CFR §9034.2(c)(4).

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<sup>25</sup> The application of this Exception Code will be in addition to the one that pertains to the Written Instrument. For example, the application of Exception Codes "C-1, C-5" means the contribution was drawn on a business account that was accompanied by additional documentation; however, the additional documentation did not contain the information required by this Guideline.

**EXCEPTION CODE D**

**SIGNATURE DISCREPANCIES ON PERSONAL ACCOUNTS**

**EXCEPTION CODE D-1**

**SIGNATURE OTHER THAN ACCOUNT HOLDER**

(11 CFR §9034.2(c)(1)(i) and 11 CFR §9036.3(a))

A contribution drawn on a personal account maintained by an individual(s), signed by an individual whose name is not imprinted on the face of the instrument, irrespective of the signatory's surname, is non-matchable unless additional documentation signed by the contributor, which includes the required information as described below, accompanies the written instrument. (This exception code is applicable when the listed contributor is the accountholder who did not sign the written instrument or the listed contributor signed the written instrument but is not identified as the accountholder).

**MATCHABILITY AND/OR RESUBMISSION REQUIREMENTS:** Where the listed contributor is the one who signed the written instrument, but who is not identified as an accountholder, the written instrument must be accompanied by additional documentation signed by the listed contributor, which acknowledges the contribution by (1) amount and date, (2) the identification of the account on which the contribution was drawn, (3) check number, and (4) states that the account represents his or her personal funds.

If the listed contributor is the identified accountholder who did not sign the written instrument, the written instrument must be accompanied by additional documentation signed by the listed contributor, which acknowledges the contribution by amount and date and states that the contribution was to be regarded as his or her contribution. (See Appendix 17 and Appendix 18 for suggested formats for letters to obtain the required additional documentation from the contributor.

**Chapter V STANDARD EXCEPTION CODES FOR REVIEW OF MATCHING FUND REQUESTS**

**EXCEPTION CODE D-2**

**SIGNATURE DISCREPANCY ON A JOINT ACCOUNT**

(Amount of contribution does not exceed \$2,300)

(11 CFR §9034.2(c)(1) and 11 CFR §9036.3(a))

A contribution drawn on a personal account maintained by more than one individual which is attributed totally or in part to the accountholder whose signature does not appear on the check is non-matchable unless the required additional documentation described below accompanies the written instrument.

**MATCHABILITY AND/OR RESUBMISSION REQUIREMENTS:** In order to be attributed to the accountholder whose signature does not appear on the written instrument, additional documentation signed by the contributor, to whom all or a portion of the contribution is to be attributed, must accompany the written instrument that states (1) the amount of the contribution being attributed to him or her, (2) the date of the check, and (3) the check number. (See Appendix I9 for a suggested format for a letter to obtain the required additional documentation from the contributor.)<sup>26</sup>

For a resubmission, unless restricted by the contribution limitations of 2 U.S.C. §441a, the candidate/committee may attribute the entire contribution to the signatory. If the contributor name is changed, the candidate/committee's contribution records (including the database for those committees using computer services) must be corrected. A statement that the contributor records and/or database have been changed must accompany the resubmission.

If such a statement has been included and a future submission demonstrates the correction(s) was not made, the appropriate adjustment will be applied to the next payment certified. In the absence of any further payments, the amount will be requested as a repayment pursuant to 26 U.S.C. §9038(b)(1) and 11 CFR §9038.2(b)(1).

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<sup>26</sup> Since this situation deals with a contribution that is not excessive the rules at 11CFR §110.1k do not apply.

**Chapter V STANDARD EXCEPTION CODES FOR REVIEW OF MATCHING FUND REQUESTS**

**EXCEPTION CODE E**

**OMITTED, INCOMPLETE, OR OBLITERATED INFORMATION REQUIRED**

**FOR MATCHABILITY ON THE WRITTEN INSTRUMENT**  
(11 CFR §9034.2(c) and 11 CFR §9036.3(a)(3))

The following information on the written instrument, if omitted, incomplete, obliterated, or cannot be read due to a poor photocopy or scanned image of the written instrument, will cause a contribution to be non-matchable.

The written instrument lacks:	<u>Code</u>
1. Contributors Signature	(E-1)
2. Committee/Candidate as Payee	(E-2)
3. Amount of the Contribution	(E-3)
4. Date on Instrument (To include Month, Day, Year)	(E-4)

A written instrument that omits or contains incomplete, obliterated, or information that cannot be read with respect to the contributor's signature, the candidate/committee as payee (or for third party checks, the endorsement to the candidate/committee), or the amount and date is non-matchable.

**MATCHABILITY AND/OR RESUBMISSION REQUIREMENTS:** When either the date, payee, signature, or amount is omitted, incomplete, obliterated, or the information cannot be read due to a poor photocopy or scanned image of a written instrument, additional documentation, signed by the contributor, must accompany the written instrument. For purposes of obtaining the date on which a written instrument was made payable to the candidate/committee, at a minimum for matchability, the month and year must be provided. Such signed statement must acknowledge the contribution by identifying the type of written instrument, the check number, and provide the omitted, incomplete, obliterated, or unreadable information required for matching purposes. (See Appendix 20 for a suggested format for a letter to obtain required additional documentation.)

The resubmission requirements as detailed for this exception code are not applicable to a contribution effected by money order, cashier's check, traveler's check or other similar negotiable instrument as such resubmission is prohibited under 11 CFR §9034.2(c)(4).



**EXCEPTION CODE F**

**REQUESTED AMOUNTS EXCEED THE AMOUNT OF THE CONTRIBUTION RECEIVED FROM THE CONTRIBUTOR**

**EXCEPTION CODE F-1**

**REQUESTED AMOUNT EXCEEDS THE AMOUNT CONTAINED ON THE WRITTEN INSTRUMENT(S)**  
(11 CFR §9036.3(b)(1))

A contribution for which the amount requested for matching on the contributor data file exceeds the amount of the written instrument is non-matchable.

**MATCHABILITY AND/OR RESUBMISSION REQUIREMENTS:** The contributor data file, in listing an amount for which matching funds are being requested, must reflect an amount no higher than the amount for which the written instrument is made payable or for which the depository will credit<sup>27</sup> the candidate/committee's account.

For a resubmission, the contributor data file must be adjusted to reflect the correct amount being submitted for matching. Additionally, the candidate/committee's contributor records (including the data base for those committees using computer services) must be corrected. A statement must accompany the resubmission contributor data file that indicates the contributor records and/or database have been corrected. Where such a statement has been included and a future submission demonstrates the correction(s) was not made, the appropriate adjustment will be applied to the next payment certified. In the absence of any further payments, the amount will be requested as a repayment pursuant to 26 U.S.C. §9038(b)(1) and 11 CFR §9038.2(b)(1).

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<sup>27</sup> If the numeric and written amounts on a written instrument differ, it is assumed that the lesser of the two amounts will be credited by the depository to the candidate/committee's account.

**Chapter V STANDARD EXCEPTION CODES FOR REVIEW OF MATCHING FUND REQUESTS**

**EXCEPTION CODE F-2**

**REQUESTED AMOUNT EXCEEDS THE AMOUNT OF THE CONTRIBUTION RECEIVED FROM THE LISTED CONTRIBUTOR**

A contribution for which the amount requested for matching on the contributor data file represents the full matchable amount for which the written instrument is made payable, but there are indications that the written instrument represents contributions from more than one individual is non-matchable.

**MATCHABILITY AND/OR RESUBMISSION REQUIREMENTS:** The contributor data file in listing an amount for which matching funds are being requested, must reflect an amount no higher than the amount of the contribution received from the contributor<sup>28</sup>

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<sup>28</sup> Examples of contributions to which Exception Code F-2 would be applicable are (1) one that is drawn on a partnership for \$500 with \$250 requested in matching funds for the contributor. The additional documentation required to support the matchability of a partnership contribution is signed by the contributor who acknowledges that only \$100 is attributable to him or her, and (2) a contribution on which the account holder has indicated that the contribution is also from another individual(s), such as an entry on the memo line "also from Jane and Joe." In such an instance, only one-third of the amount may be submitted for the contributor who signed the Written Instrument.

**Chapter V STANDARD EXCEPTION CODES FOR REVIEW OF MATCHING FUND REQUESTS**

**EXCEPTION CODE G**

**DISCREPANCIES BETWEEN WRITTEN INSTRUMENTS AND/OR DOCUMENTATION AND CONTRIBUTOR DATA FILE**

**EXCEPTION CODE G-1**

**OMITTED WRITTEN INSTRUMENT**  
(11 CFR §9036.3(b)(2))

A contribution for which a matching amount is requested that is not supported by a copy of the written instrument is non- matchable<sup>29</sup>

**MATCHABILITY AND/OR RESUBMISSION REQUIREMENTS:** A copy of the written instrument by which the contribution was effected must be obtained and submitted in support of each amount requested.

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<sup>29</sup> Where copies of the written instruments are being submitted in deposit batch order as provided at Chapter III.G.4., this exception code will be applied in instances where there is a deposit batch as referenced on the contributor data base, however, no written instrument from the listed contributor is contained within the batch.

**Chapter V STANDARD EXCEPTION CODES FOR REVIEW OF MATCHING FUND REQUESTS**

**EXCEPTION CODE G-2**

**WRITTEN INSTRUMENT SUBMITTED DOES NOT SUPPORT THE LISTED CONTRIBUTION FOR WHOM THE AMOUNT IS REQUESTED**  
(11 CFR §9036.3(b)(2))

A contribution for which a matching amount is requested that is supported by a written instrument containing neither the printed name (as in the accountholder identification) or the signature of the listed contributor is non-matchable<sup>30</sup>

**MATCHABILITY AND/OR RESUBMISSION REQUIREMENTS:** To be attributed to an individual who is not identified on the written instrument as either the accountholder (regardless of surname) or signatory, a statement, signed by the contributor to whom the contribution is being attributed, all or in part, must accompany the written instrument. The contributor must acknowledge the type of written instrument (check, money order, etc.) by which the contribution was made, the accountholder or, for a cashier's check, money order, etc., the issuer, and the check or serial number. The contributor must also state the date and the amount of the contribution that is to be attributed to him or her. The contributor must also include the fact that the account contains (or instrument was purchased with) his or her personal funds. (The suggested format that appears at Appendix 19 for joint account signature discrepancies is appropriate for obtaining the required additional documentation for such a contribution).

The resubmission requirements as detailed for this exception code are not applicable to a contribution effected by money order, cashier's check, traveler's check, or other similar negotiable instrument as such resubmission is prohibited under 11 CFR §9034.2(c)(4).

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<sup>30</sup> For example, this Exception Code will generally be applied in instances where a personal check, identifying John Doe as the accountholder and also signed by John Doe, is the Written Instrument submitted for Jane Doe. In this situation, while there is in fact a submitted Written Instrument that can be associated with Jane Doe, it does not support a matching request for Jane Doe, since in all appearances it is a contribution from John Doe. (See also 11 CFR §104.8(d)).

**Chapter V STANDARD EXCEPTION CODES FOR REVIEW OF MATCHING FUND REQUESTS**

**EXCEPTION CODE G-3**

**WRITTEN INSTRUMENT CANNOT BE ASSOCIATED  
WITH LISTED CONTRIBUTOR  
(11 CFR §9036.3(b)(3))**

A contribution for which a matching amount is requested that is supported by a written instrument that cannot be associated with the listed contributor is non-matchable.<sup>31</sup>

**MATCHABILITY AND/OR RESUBMISSION REQUIREMENTS:** To be attributed to an individual who is not identified in any manner on the written instrument as either the accountholder, remitter, or signatory, a statement, signed by the contributor to whom the contribution is being attributed, all or in part, must accompany the written instrument. The contributor must fully acknowledge the type of written instrument (check, money order, etc.) by which the contribution was made, the accountholder or, for a cashier's check, money order, etc., the issuer, signatory or remitter/purchaser, and the check or serial number. The contributor must also state the date of the written instrument and the amount of the contribution that is to be attributed to him or her. The statement must also include the fact that the account contains (or the written instrument was purchased with) his or her personal funds. (See Appendix 21 for a suggested format for a letter to obtain the required additional documentation.)

The resubmission requirements as detailed for this exception code are not applicable to a contribution effected by money order, cashier's check, traveler's check or other similar negotiable instrument as such resubmission is prohibited under 11 CFR §9034.2(c)(4).

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<sup>31</sup> This exception code will generally be applied in instances where the written instrument bears no name, either as an accountholder, remitter, or signatory, as that of the listed contributor. For example, if a personal check which identifies only John Doe as the accountholder represents a joint contribution from Mr. Doe and also Jane Smith, the written instrument supporting the matching fund request cannot be associated with Ms. Smith. Therefore, additional documentation signed by Ms. Smith which fully identifies the written instrument by which her contribution was made is necessary. (Also see 11 CFR §104.8(d)).

**Chapter V STANDARD EXCEPTION CODES FOR REVIEW OF MATCHING FUND REQUESTS**

**EXCEPTION CODE G-4**

**TYPE OF WRITTEN INSTRUMENT SUBMITTED WITHOUT REQUIRED  
AND/OR COMPLETE ACCOMPANYING DOCUMENTATION**  
(11 CFR §9034.2(c)(4))

A contribution received in the form of a money order, cashier's check, traveler's check, or other similar negotiable instrument that, upon initial submission, lacks the contributor's signature and additional documentation also signed by the listed contributor which specifies that the instrument was purchased with his/her personal funds, and further identifies the name of the issuer, the date and amount of the contribution, the check or serial number is non-matchable. (See Appendix 22 for a suggested format for a letter to obtain the required information that must accompany the initial submission.)

**MATCHABILITY AND/OR RESUBMISSION REQUIREMENTS:** Such a contribution may not be resubmitted. No additional documentation that supplements any of that described above will render the contribution matchable.

**Chapter V STANDARD EXCEPTION CODES FOR REVIEW OF MATCHING FUND REQUESTS**

**EXCEPTION CODE G-5**

**DOCUMENTATION FOR CONTRIBUTIONS RECEIVED AS A RESULT OF JOINT FUNDRAISING OR ENTERTAINMENT EVENTS**

(11 CFR §9034.2(c)(5) and 11 CFR §9034.2(c)(7))

A contribution received as a result of a joint fundraising event for which either no copy of the joint fundraising agreement, solicitation material, or an explanation of any reallocated amount has been submitted is non-matchable.

A contribution received as a result of an entertainment event for which either no copy of the promotional material or no copy of a ticket at each price has been submitted is non-matchable.

**MATCHABILITY AND/OR RESUBMISSION REQUIREMENTS:** When contributions received as a result of a joint fundraising event are submitted for matching purposes, a copy of the joint fundraising agreement and the solicitation material for each event must accompany the matching fund request. A contribution that has been attributed to the candidate/committee in a percentage higher than that specified in the fundraising agreement must be accompanied by additional documentation showing the reallocation and the basis or reason for the reallocation.

When contributions received as a result of entertainment events, such as concerts or motion pictures, are submitted for matching purposes, a copy of the promotional material and a copy of a ticket at each price must accompany the matching fund request. Further, the promotional material and ticket(s) must clearly indicate that the ticket purchase price represents a contribution to the Presidential candidate.

Chapter V STANDARD EXCEPTION CODES FOR REVIEW OF MATCHING FUND REQUESTS

EXCEPTION CODE H

MISCELLANEOUS CONTRIBUTOR DATA FILE DISCREPANCIES

EXCEPTION CODE H-1

MAILING ADDRESS OMITTED, INCOMPLETE, OR INCORRECT

(11 CFR §9036.3(c)(1))

A contribution from an individual whose listing on the contributor data file omits or contains an incomplete or incorrect mailing address is non-matchable. **For the threshold submission only:** a contribution from an individual whose listing on the contributor data file contains a non-residential address, such as a postal box number in a metropolitan area or an apparent business address, is non-matchable for purposes of establishing eligibility in a State.

MATCHABILITY AND/OR RESUBMISSION REQUIREMENTS: The contributor data file must present each contributor whose contribution is being submitted for matching with a full mailing address (street and number, city, and state). For the threshold submission only: the preceding information must be that of the listed contributor's residential address.

The contributor records including the contributor database must be supplemented and/or corrected. Where a contribution is being resubmitted, the resubmission contributor data file must contain, or be accompanied by, a statement to the effect that the candidate/committee's contributor records have been corrected. If such a statement has been included and a future submission demonstrates the correction(s) was not made, the appropriate adjustment will be applied to the next payment certified. In the absence of any further payments, the amount will be requested as a repayment pursuant to 26 U.S.C. §9038(b)(1) and 11 CFR §9038.2(b)(1).



**Chapter V STANDARD EXCEPTION CODES FOR REVIEW OF MATCHING FUND REQUESTS**

**EXCEPTION CODE H-2**

**CONTRIBUTOR'S NAME SPELLED INCORRECTLY**  
(11 CFR §9036.3(c)(1))

A contribution from an individual whose name on the contributor data file is spelled incorrectly is non-matchable.

**MATCHABILITY AND/OR RESUBMISSION REQUIREMENTS:** The contributor data file must present each contributor's full name (last name, first name, middle initial, and suffix, if any) spelled correctly. Where a contribution rejected under this exception code is being resubmitted, the resubmission contributor data file must contain, or be accompanied by, a statement to the effect that the candidate/committee's contributor records including the contributor database have been corrected. Where such a statement has been included and a future submission demonstrates the correction(s) was not made, the appropriate adjustment will be applied to the next payment certified. In the absence of any further payments, the amount will be requested as a repayment pursuant to 26 U.S.C. §9038(b)(1) and 11 CFR §9038.2(b)(1).

**Chapter V STANDARD EXCEPTION CODES FOR REVIEW OF MATCHING FUND REQUESTS**

**EXCEPTION CODE H-3**

**MORE THAN ONE CONTRIBUTOR IS LISTED PER LINE ITEM  
AND SEQUENCE NUMBER (E.G., MR. AND MRS.)  
(11 CFR §9036.3(c))**

Contribution(s) from individuals whose listings are merged (e.g., Mr. and Mrs. John Doe) on the contributor data file at the same line and sequence number are non-matchable.

**MATCHABILITY AND/OR RESUBMISSION REQUIREMENTS:** Each contributor must be listed on the contributor data file separately.

Although a single written instrument may represent a contribution from more than one individual (e.g., Mr. and Mrs.), each must be listed separately. The contributor data file and the contributor records including the contributor data file must be corrected to reflect separate listings. Where a contribution rejected under this exception code is being resubmitted, the resubmission contributor data file must contain, or be accompanied by, a statement to the effect that the contributor records including the contributor data file have been corrected. Where such a statement has been included and a future submission demonstrates the correction(s) was not made, the appropriate adjustment will be applied to the next payment certified. In the absence of further payments, the amount will be requested as a repayment pursuant to 26 U.S.C. §9038(b)(1) and 11 CFR §9038.2(b)(1).

**Chapter V STANDARD EXCEPTION CODES FOR REVIEW OF MATCHING FUND REQUESTS**

**EXCEPTION CODE H-4**

**OMITTED OR INADEQUATE OCCUPATION AND NAME OF EMPLOYER  
FOR LISTED CONTRIBUTOR - THRESHOLD SUBMISSION ONLY**  
(11 CFR §9036.1(b)(1)(ii))

A contribution from an individual whose aggregate contributions exceed \$200 during the election cycle (regardless of whether submitted) and for which the contributor data file of the threshold submission omits or inadequately describes the contributor's occupation and/or name of employer is non-matchable for purposes of establishing eligibility in a State.

**MATCHABILITY AND/OR RESUBMISSION REQUIREMENTS:** Each contributor whose contribution(s) is to be used to establish eligibility in a State and whose aggregate contributions to the candidate/committee exceed \$200, must be adequately identified on the threshold submission contributor data file by occupation (job title or position) and name of employer just as it is required by 2 U.S.C. §434(b)(3)(A) and 11 CFR §104.3(a)(4)(i) for disclosure reports. In order to attribute the contribution(s) toward meeting a State's threshold (exceeding \$5,000), the contributor data file must be supplemented and/or corrected. For this purpose, only the contributor data file for the particular State(s) need be supplemented and/or corrected.

**Chapter V STANDARD EXCEPTION CODES FOR REVIEW OF MATCHING FUND REQUESTS**

**EXCEPTION CODE H-5**

**SAME CONTRIBUTOR LISTED IN MORE THAN ONE STATE - THRESHOLD SUBMISSION ONLY**  
(11 CFR §9033.2(b)(3))

Contributions from a contributor who is listed in the threshold submission as a resident of more than one state are non-matchable for purposes of establishing eligibility in one of the state(s).

**MATCHABILITY AND/OR RESUBMISSION REQUIREMENTS:** Contributions from an individual contributor can be used to establish eligibility in only one state. The appropriate state shall be the one in which the contributor was residing on the date on which the earliest written instrument is dated.

The contributor data file and data base must be supplemented and/or corrected to show the contributor in only the state of his or her actual residence on the date the earliest contribution was made. Where a contribution is being resubmitted, the contributor data file must contain, or be accompanied by, a statement to the effect that the candidate/committee's contributor records including the database have been corrected. For this purpose, only the contributor data file for the particular states involved need be corrected.

**Chapter V STANDARD EXCEPTION CODES FOR REVIEW OF MATCHING FUND REQUESTS**

**EXCEPTION CODE I**

**BANK DOCUMENTATION AND DEPOSIT DATE DISCREPANCIES**

**EXCEPTION CODE I-1**

**DEPOSIT DATE REFERENCE OMITTED ON WRITTEN INSTRUMENT AND CONTRIBUTOR DATA FILE (11 CFR §9036.3(b)(4))**

A contribution for which the supporting copy of the written instrument and/or the contributor data file omits the required date of deposit is non-matchable.

**MATCHABILITY AND/OR RESUBMISSION REQUIREMENTS:** Each contribution submitted for matching must be referenced as appropriate to the correct date of deposit on both the contributor data file and/or the supporting copy of the written instrument.

**Chapter V STANDARD EXCEPTION CODES FOR REVIEW OF MATCHING FUND REQUESTS**

**EXCEPTION CODE I-2**

**CONTRIBUTION NOT TRACEABLE TO BANK  
DOCUMENTATION AS REFERENCED**  
(11 CFR §9036.3(b)(4))

A contribution that is referenced, either on the written instrument or contributor data file, to a deposit date/batch number that cannot be traced to the bank documentation is non-matchable.<sup>32</sup>

**MATCHABILITY AND/OR RESUBMISSION REQUIREMENTS:** Each contribution must be referenced to the correct deposit date/batch number as identified on the bank documentation (bank statement, validated deposit slip, and batched written instruments).

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<sup>32</sup> This exception code will be applied in instances where no deposit batch bearing the number of the referenced deposit date/batch has been submitted

**Chapter V STANDARD EXCEPTION CODES FOR REVIEW OF MATCHING FUND REQUESTS**

**EXCEPTION CODE I-3**

**NO BANK STATEMENT TO SUPPORT UNVALIDATED DEPOSIT SLIP**  
(11 CFR §9036.3(b)(4))

A contribution referenced to a deposit where the only bank documentation submitted is a copy of an unvalidated deposit slip is non-matchable.<sup>33</sup>

**MATCHABILITY AND/OR RESUBMISSION REQUIREMENTS:** A contribution referenced to a deposit for which no bank statement is submitted (or not yet available) to reflect proof of deposit into the depository must be supported by a copy of a validated deposit slip. In the absence of the validated deposit slip, a copy of the bank statement is required.

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<sup>33</sup> This error occurs most commonly where the bank statement listing the deposit has not yet been received by the candidate/committee. When contributions are being submitted for matching shortly after their receipt, validated deposit slips must be obtained for submission in order to document that they were actually deposited.

**Chapter V STANDARD EXCEPTION CODES FOR REVIEW OF MATCHING FUND REQUESTS**

**EXCEPTION CODE I-4**

**AMOUNT OF TOTAL CONTRIBUTION EXCEEDS AMOUNT  
OF REFERENCED DEPOSIT**  
(11 CFR §9036.3(b)(4))

A contribution referenced to a deposit where the amount of the total contribution exceeds the total amount of the deposit is non- matchable.

**MATCHABILITY AND/OR RESUBMISSION REQUIREMENTS:** Each contribution submitted for matching must be referenced to the correct deposit on the bank documentation.



**Chapter V STANDARD EXCEPTION CODES FOR REVIEW OF MATCHING FUND REQUESTS**

**EXCEPTION CODE I-5**

**CONTRIBUTION DEPOSITED INTO AN UNDESIGNATED DEPOSITORY**  
(11 CFR §101.1, 11 CFR §102.2(a)(2), 11 CFR §103.2, and 11 CFR §9034.2(a)(3))

A contribution deposited into a depository that was not a designated depository at the time of receipt of the matching fund submission is non-matchable.

**MATCHABILITY AND/OR RESUBMISSION REQUIREMENTS:** Each contribution submitted for matching must be deposited into a depository that has been designated pursuant to 11 CFR §101.1 on the candidate/committee's Statement of Organization or by amendment pursuant to 11 CFR §102.2(a)(2).

Such contribution should not be submitted for matching. No additional documentation will render such a contribution matchable.

**Chapter V STANDARD EXCEPTION CODES FOR REVIEW OF MATCHING FUND REQUESTS**

**EXCEPTION CODE J**

**AGGREGATION ERRORS**

**EXCEPTION CODE J-1**

**\$250 PREVIOUSLY MATCHED FOR LISTED CONTRIBUTOR**  
(11 CFR §9036.3(c)(2))

A contribution from an individual for whom \$250 has been previously requested and matched is non-matchable.

**MATCHABILITY AND/OR RESUBMISSION REQUIREMENTS:** A contribution from an individual for whom \$250 has previously been requested and matched cannot be resubmitted.

**Chapter V STANDARD EXCEPTION CODES FOR REVIEW OF MATCHING FUND REQUESTS**

**EXCEPTION CODE J-2**

**FULL AMOUNT REQUESTED CAUSES MORE THAN \$250 TO  
BE MATCHED FOR LISTED CONTRIBUTOR**  
(11 CFR §9036.3(c)(2))

A contribution from an individual that causes more than \$250 to be requested and matched for the listed contributor is non-matchable.<sup>34</sup>

**MATCHABILITY AND/OR RESUBMISSION REQUIREMENTS:** The contributor data file must request only an amount that will not cause more than \$250 to be requested in matching for any one contributor. When determining a contributor's correct aggregate total, all amounts submitted, regardless of whether any contribution was rejected as non-matchable or became NSF must be included. Where an incorrect aggregate total on the contributor list (and the candidate/committee contributor records) causes more than \$250 to be requested and matched for the listed contributor in the current submission, the amount requested must be adjusted downward so that the \$250 threshold is not exceeded.

The contributor data file and contributor data file must be corrected in order that only the amount yet matchable for the contributor is requested.

Where a contribution rejected under this exception code is being resubmitted, the resubmission contributor data file must contain, or be accompanied by, a statement to the effect that the candidate/committee's contributor records including the contributor data file have been corrected. Where such a statement has been included and a future submission demonstrates the correction(s) was not made, the appropriate adjustment will be applied to the next payment certified. In the absence of any further payment, the amount will be requested as a repayment pursuant to 26 U.S.C. §9038(b)(1) and 11 CFR §9038.2(b)(1).

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<sup>34</sup> This exception code differs from J-1 in that a portion of the amount requested is matchable as the \$250 threshold was not exceeded until the current matching fund request was made.

**Chapter VI**

**GUIDANCE - RE: MATCHABILITY/NON-MATCHABILITY OF TYPES  
OF WRITTEN INSTRUMENTS/DISCREPANCIES ON CONTRIBUTOR DATA  
FILE**

**GENERAL**

While the Exception Codes described in the preceding chapter describe the requirements to be met by both the written instruments and contributor data file for matchability, the Commission, through its administration of previous matching fund programs, recognizes that not each contribution will be clearly matchable or non-matchable per those requirements. This chapter presents situations involving types of written instruments and the information appearing on them. The situations are described under the possible Exception Code that might be considered as applicable and, in chart form, advises whether such a contribution may be viewed as "Immediately Matchable," "Later Matchable," or "Never Matchable." Again, candidates/committees are urged to withhold from submission any contribution for which the matchability may be in doubt *until complete additional documentation as described in Chapter V* of this Guideline has been obtained.

**Chapter VI GUIDANCE REGARDING MATCHABILITY OF CONTRIBUTIONS**

**I N D E X**

SUBJECT	POSSIBLE EXCEPTION CODE	EXAMPLE NO.	PAGE NO.
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**ADDITIONAL DOCUMENTATION**

Containing only date and amount	G-3	2	VI-24
Identifying different contribution	C-5	2	VI-16
Inadequate for signature discrepancy	D-1	3	VI-17
Signed by one having power of attorney	D-1	2	VI-17
Signed by other than to whom sent	C-5	1	VI-16
Supports non-matchability	C-5	3	VI-16

**AMOUNTS OF WRITTEN INSTRUMENTS**

<u>Discrepancies:</u>			
Amount requested in excess of matchable portion	F-2	1	VI-22
Bearing only written or numeric amount	E-3	3	VI-20
Numeric/written amounts disagree	E-3	2	VI-20

**ATTRIBUTION TO ANOTHER CONTRIBUTOR**

Conflicting statements – Re: attribution	B	3	VI-13
Portion previously matched	B	2	VI-13
Which of multiple contributions from one contributor are matchable for another	B	1	VI-13
To non-partner in a partnership or non-member on unincorporated association or business	C-2	4	VI-15
Written instruments previously matched	B	2	VI-13

**BUSINESS CHECKS/ACCOUNTS**

Altered accountholder	C-1	3	VI-14
Business appearance of personal check	C-1	4	VI-14
Having appearance of personal check	C-1	1	VI-14
Typed statements for matchability	C-1	2	VI-14

**Chapter VI GUIDANCE REGARDING MATCHABILITY OF CONTRIBUTIONS**

SUBJECT	POSSIBLE EXCEPTION CODE	EXAMPLE NO.	PAGE NO.
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**CASH MANAGEMENT/MUTUAL FUNDS ACCOUNTS**

No signature of contributor	A-1	5	VI-8
With signature of contributor	A-1	4	VI-8

**CASHIER'S CHECKS** - See Money Orders/Cashier's Checks

**CONTRIBUTOR DATA FILE**

Amounts requested	F	1, 2	VI-22
Mailing address	H-1	1	VI-25

**CONTRIBUTORS**

Deleted	G-1	1	VI-23
Hyphenated name	H-2	1	VI-26
No association with written instrument	G-3	1	VI-24
Misspelled – impact on alphabetical list	H-2	1	VI-26

**CORPORATE CHECKS/ACCOUNTS**

Named professional individual with initials P.A., P.C., or LLC	A-1	3	VI-8
Represents contribution through corporate/labor employee participation plan	A-2	4	VI-9
When named in accountholder identification	A-1	6	VI-8
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Following named professional individual	A-1	3	VI-8
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Following named professional individual	A-1	3	VI-8
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**"SPLIT" CONTRIBUTIONS**

(Also see attribution to another contributor)

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**SIGNATURES ON WRITTEN INSTRUMENTS**

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**Chapter VI GUIDANCE REGARDING MATCHABILITY OF CONTRIBUTIONS**

**EXAMPLES OF WRITTEN INSTRUMENTS – IMMEDIATE, LATER OR NEVER MATCHABLE**

**Possible Exception Code: A-1**

Description of Written Instrument or Situation: Prohibited Corporate/Labor Contributions	Immed. Match	Later Match	Never Match	Action Required for Matchability and/or Remarks
1. Corporate check with additional documentation from owner/contributor stating that the account contains and/or represents his/her personal funds.			X	1. Regulations at 11 CFR §9034.3(f) do not allow matching if transmitted on corporate account, despite a personal funds statement.
2. “Inc.” appears after business name on check. Additional documentation from contributor states account is not maintained by an incorporated entity and account contains and/or represents his/her personal funds.		X		2. Matchable <b><u>only</u></b> if further documentation from contributor provides date on which business ceased to be incorporated and check bears a later date.
3. Named professional individual (doctor, dentist, etc.) whose name is followed by letters such as P.A. or P.C.			X	3. In most instances, verification with the appropriate Secretary of State determines if the professional has incorporated his/her practice.
4. Cash Management or Mutual Funds Accounts that bear the business firm name, usually a corporation, but which actually represents the contributor’s personal funds, and <u>contains the contributor’s signature</u> .	X			4. This contribution is matchable as described.
5. Cash Management or Mutual Funds Account as described in 4. above, with the contributor’s name printed or typed but bearing no signature.		X		5. Additional documentation from the contributor acknowledging the contribution <b><u>must</u></b> be obtained.
6. Corporation, Labor Organization, or Trade Association identified as part of the mailing address under the name of the accountholder on what appears to be a personal check.	X			6. This contribution is matchable. Since the contribution is drawn on a personal account it is presumed that the account holder uses the corporate address as his/her mailing address. .

**Chapter VI GUIDANCE REGARDING MATCHABILITY OF CONTRIBUTIONS**

**EXAMPLES OF WRITTEN INSTRUMENTS – IMMEDIATE, LATER OR NEVER MATCHABLE**

Possible Exception Code:   A-2  

Description of Written Instrument or Situation:  Political Committee and Earmarked Contributions	Immed. Match	Later Match	Never Match	Action Required for Matchability and/or Remarks
1. Check, drawn on political committee or organization account, is signed by Treasurer. Additional documentation contains signature of earmarking contributor.			X	1. Regulations at 11 CFR §9034.3(f) do not allow matching of any earmarked contribution drawn on a conduit’s account.
2. Money order, accompanied by additional documentation, signed by an individual stating the money order represents contributions from various members of the organization.			X	2. Money order does not represent solely personal funds of the individual for submission in his/her name. Additional documentation, specifying the amount to be attributed to the various members, <b><u>is required with the initial submission</u></b> , together with all other additional documentation required for Money Orders.
3. Check drawn on campaign fund of an individual who is (or was) either a federal, state, or local candidate is signed by the named candidate. Additional documentation states the account represents his/her personal funds.			X	3. Regulations at 11 CFR §9034.3(f) do not allow matching of contributions in the form of a check drawn on the account of a political <b>or other</b> committee.
4. Check drawn on an Employee Participation Plan (EPP), with the individual contributor’s name typed or imprinted, but signed by the executor of the Plan.		X		4. Additional documentation bearing the signature of the contributor <b><u>must</u></b> be obtained.

**Chapter VI GUIDANCE REGARDING MATCHABILITY OF CONTRIBUTIONS**

**EXAMPLES OF WRITTEN INSTRUMENTS – IMMEDIATE, LATER OR NEVER MATCHABLE**

**Possible Exception Code: A-3**

Description of Written Instrument or Situation: Refunds and Loans	Immed. Match	Later Match	Never Match	Action Required for Matchability and/or Remarks
1. A check, originally received as a loan from an individual, is forgiven, becoming a contribution		X		1. Additional documentation that acknowledges the original loan, the date the loan was forgiven and the amount forgiven <b>must</b> be obtained.

**Possible Exception Code: A-4**

Description of Written Instrument or Situation: Excessive Contributions	Immed. Match	Later Match	Never Match	Action Required for Matchability and/or Remarks
1. Check is payable in an amount exceeding \$2,300 and is annotated to indicate that it represents a joint contribution (e.g. “for Mr. & Mrs.” on the memo line). Only one signature appears on the check.	X	X		1. May be immediately matched for the signatory if matchable in every other respect. (Presumes additional documentation to obtain the signatures of both contributors is being obtained and if returned within 60 calendar days of receipt of the contribution, may be submitted and matched) ..
2. Check is payable in an amount exceeding \$2,300, amount over \$2,300 has been refunded.	X			2. The first \$2,300 may be submitted and matched for \$250.
3. Money order in excess of \$2,300 accompanied by additional documentation signed by two or more individuals that fully acknowledges their contribution and the amount to be attributed to each.	X			3. A written instrument of any type may represent contributions from more than one individual provided additional documentation is satisfactory (also satisfies 11 CFR §104.8(d).
4. A \$2,300 contribution is received and processed. The contributor data file requests an amount less than \$250 in matching funds.	X	X		4. Contributor data file indicates prior contribution of \$100 received and previously submitted for matching. The first \$2,300 may be submitted and matched for \$250.

**Chapter VI GUIDANCE REGARDING MATCHABILITY OF CONTRIBUTIONS**

**EXAMPLES OF WRITTEN INSTRUMENTS – IMMEDIATE, LATER OR NEVER MATCHABLE**

Possible Exception Code:   A-5  

Description of Written Instrument or Situation:  Payee Discrepancies	Immed. Match	Later Match	Never Match	Action Required for Matchability and/or Remarks
1. Written instrument is made payable to a party committee (National, State, or local) with memo entry containing the candidate/committee name.			X	1. Written instruments <b>must</b> be made payable to the candidate or an authorized committee, regardless of any notations on their face. (11 CFR §9034.2(c).
2. Written instrument is made payable to a campaign worker with memo entry containing the candidate/committee name.			X	2. Same as 1. above. If endorsed to the candidate/committee by the campaign worker, the contribution must be viewed as the campaign worker’s rather than the original maker.
3. Written instrument is made payable to an individual. Both sides of the instrument attest to the endorsement to the candidate/committee. However, the recorded contributor is the accountholder or original remitter.		X		3. The individual who executed the endorsement is the contributor. The recorded contributor has not made a contribution. Additional documentation as describe in the <u>Guideline</u> in which the recorded contributor acknowledges the contribution <b>must</b> be obtained (also see Exception Codes G-2 and G-3).
4. Written instrument is made payable to “Cash” with a memo entry containing the candidate/committee name.			X	4. Same as 1. above.
5. Written instrument is made payable to the candidate <b>and</b> another individual or an entity other than the authorized committee.			X	5. To demonstrate donative intent, written instruments must be made payable to <b>only</b> the candidate/committee. ( <b>Exemption:</b> Contributions to a joint fundraising event – see Chapter III.K.)

**Chapter VI GUIDANCE REGARDING MATCHABILITY OF CONTRIBUTIONS**

**EXAMPLES OF WRITTEN INSTRUMENTS – IMMEDIATE, LATER OR NEVER MATCHABLE**

**Possible Exception Code: A-6**

Description of Written Instrument or Situation: Miscellaneous Non-Matchable Contributions	<b>Immed. Match</b>	<b>Later Match</b>	<b>Never Match</b>	<b>Action Required for Matchability and/or Remarks</b>
<b><u>Possible Foreign Contributions:</u></b>				
1. Contributor has foreign address and maintains account at either a foreign or U.S. bank.		X		1. Statement from the contributor <b>must</b> be obtained to verify that he/she is a citizen or has been admitted as a permanent resident of the United States.
2. Written instrument is drawn on bank in a foreign country and contains no accountholder I.D.; contributor provides a U.S. address.	X			2. Only currency of a foreign country and the United States is prohibited. (11CFR §9034.3(j))
<b><u>Questionable Donative Intent:</u></b>				
3. Candidate is also a candidate for another federal office. Written instrument is made payable to the Senate or House committee of the candidate			X	3. Payee is not an authorized committee for the presidential primary campaign and instrument cannot be matched.

**Chapter VI GUIDANCE REGARDING MATCHABILITY OF CONTRIBUTIONS**

**EXAMPLES OF WRITTEN INSTRUMENTS – IMMEDIATE, LATER OR NEVER MATCHABLE**

**Possible Exception Code:   B**

Description of Written Instrument or Situation: Same Written Instrument Submitted more than Once	<b>Immed. Match</b>	<b>Later Match</b>	<b>Never Match</b>	<b>Action Required for Matchability and/or Remarks</b>
1. Five contributions of \$100 are “split” by obtaining additional documentation from the spouse of the original contributor for whom the first three were submitted and matched for \$250. All five contributions are submitted later for the spouse listing each at \$50.		X		1. Not matchable as submitted for the spouse. Contributions #3, #4, and #5 may be submitted for matching in the amount \$150. To be submitted for the maximum allowable, contribution #3 could be “split” and additional documentation should be obtained to reattribute contributions #4 and #5 in full to the spouse.
2. Contribution of \$500 has been submitted and matched for \$250 for one spouse. Additional documentation is obtained to attribute 50% to the other spouse and \$250 is requested on a later submission supported by a copy of the same written instrument.	X			2. Exception code B applies only to contributions previously matched for \$250. With proper additional documentation, this situation describes a “new” contributor for whom the unmatched portion of \$250 may be submitted.
3. Additional documentation sent to attribute a portion of an original contribution to another individual contains two statements: (1) the contribution is solely the original contributor’s and (2) a portion of the original contribution should be attributed to another individual. The original contributor returns the additional documentation with both statements checked.		X		3. Can not be submitted for another individual because statement (1) signed by the original contributor prevails over statement (2). Corrected additional documentation with only statement (2) checked <b><u>must</u></b> be obtained before submission for another individual.



**Chapter VI GUIDANCE REGARDING MATCHABILITY OF CONTRIBUTIONS**

**EXAMPLES OF WRITTEN INSTRUMENTS – IMMEDIATE, LATER OR NEVER MATCHABLE**

**Possible Exception Code: C-1**

Description of Written Instrument or Situation: Contributions Drawn on Apparent Business Accounts	<b>Immed. Match</b>	<b>Later Match</b>	<b>Never Match</b>	<b>Action Required for Matchability and/or Remarks</b>
1. Account holder is identified as: SMITH FARMS John Smith John Smith signs the written instrument.		X		1. Additional documentation is required for contributions drawn on business accounts. The name of the business as account holder (even though it appears to be a personal check) governs matchability.
2. Written instrument has all the information needed to support matchability typed on its face and is signed by contributor.		X		2. Additional documentation <b>must</b> be obtained to attest to the information. Someone other than account holder/ contributor can place typed information on the face of the instrument.
3. Written instrument has business name crossed-out and the contributor's name is printed or typed above the account holder I.D.		X		3. Additional documentation for contributions drawn on business account <b>must</b> be obtained.
4. Written instrument identifies an individual and his/her occupation description as part of the account holder I.D.; address appears to be non-residential. The instrument appears to be a business check with a memo entry indicating the contribution is a business expense.		X		4. Same as 3. above; the additional documentation is required because of the business expense notation on the face of the instrument.
5. Written instrument account holder I.D. same as 4. above. The address may or may not be residential and there is no evidence of business usage.	X			5. May be submitted for matching without additional documentation.

**Chapter VI GUIDANCE REGARDING MATCHABILITY OF CONTRIBUTIONS**

**EXAMPLES OF WRITTEN INSTRUMENTS – IMMEDIATE, LATER OR NEVER MATCHABLE**

**Possible Exception Code: C-2**

Description of Written Instrument or Situation:  Contributions Drawn on Partnership, Group or Association Account	<b>Immed. Match</b>	<b>Later Match</b>	<b>Never Match</b>	<b>Action Required for Matchability and/or Remarks</b>
1. Written instrument drawn on partnership account is identified as the drawing account of the identified partner who is listed as the contributor	X			1. Partnership drawing accounts established for partners represent the individual partner's personal funds.
2. Written instrument for \$2,500 drawn on a partnership with accompanying documentation indicating that the contribution is to be equally attributed to ten partners.	X			2. May be submitted and matched for \$200 for each partner providing signatures are provided. Amount over the \$2,300 contribution limit for partnerships (11 CFR §110.1(e)) is to be refunded
3. Written instrument for \$500 drawn on a partnership is properly attributed in the amount of \$125 for each of four partners. Additional documentation is received from one partner and the full amount of the contribution is attributed to him/her, with \$250 requested for matching.		X		3. Evidence suggests the partner made a contribution in the amount of \$125. The contributor records must be adjusted and only \$125 in matching funds requested. Additional documentation should be obtained from the other partners for later submission. (Also see Exception Code F-2).
4. Written instrument for \$500 drawn on a partnership that is submitted for matching, with the required additional documentation, for one partner. A reattribution of \$250 is made to the spouse of the partner and submitted for matching.			X	4. In Advisory Opinion 1980-67, the Commission concluded that no portion of a partnership contribution could be attributed to an individual who is not a partner.

**Chapter VI GUIDANCE REGARDING MATCHABILITY OF CONTRIBUTIONS**

**EXAMPLES OF WRITTEN INSTRUMENTS – IMMEDIATE, LATER OR NEVER MATCHABLE**

**Possible Exception Code: C-5**

Description of Written Instrument or Situation: Inadequate Additional Documentation	<b>Immed. Match</b>	<b>Later Match</b>	<b>Never Match</b>	<b>Action Required for Matchability and/or Remarks</b>
1. Additional documentation sent for signature is returned signed by someone other than the contributor.		X		1. Additional documentation <b>must</b> be signed by the individual to whom it was sent before submitting with the written instrument.
2. Additional documentation returned by the contributor acknowledges a contribution was made <b>but</b> provides a different amount, date and check number from the written instrument being submitted.		X		2. Similar to 1. above; additional documentation prepared and sent to the contributor <b>must</b> pertain to the contribution being submitted.
3. On the additional documentation returned by the contributor, the “personal funds” statement is altered to read “partnership funds”.		X		3. Additional documentation <b>must</b> support the matchability of a contribution.

**Chapter VI GUIDANCE REGARDING MATCHABILITY OF CONTRIBUTIONS**

**EXAMPLES OF WRITTEN INSTRUMENTS – IMMEDIATE, LATER OR NEVER MATCHABLE**

**Possible Exception Code: D-1**

Description of Written Instrument or Situation:  Signature Other than Accountholder	<b>Immed. Match</b>	<b>Later Match</b>	<b>Never Match</b>	<b>Action Required for Matchability and/or Remarks</b>
1. A personal check, drawn on an account identifying only one individual as the accountholder, is signed by another individual. Accompanying documentation signed by the accountholder advises that the individual who signed the instrument is also a joint tenant of the account.	X			1. The contribution is drawn on a joint account and attributed to the signatory on the instrument.
2. A personal check and accompanying documentation is signed by an individual who has power of attorney for the identified accountholder/contributor.		X		2. The signature of the <b><u>account holder/contributor</u></b> on the additional documentation that acknowledges the contribution <b><u>must</u></b> be obtained.
3. A personal check bears an indication that the signature corresponding to the name of the identified accountholder was executed by someone other than the accountholder, i.e. “/S/” following the signature.		X		3. Same as described in 2. above.
4. A personal check contains only the last name of the identified accountholder.	X			4. For personal checks it is presumed that the signature contained on the instrument is that of the accountholder and is accepted by the financial institution.
5. A personal check contains only a “facsimile” signature (i.e. stamped) on the signatory line.	X			5. Same as described in 4. above.

**Chapter VI GUIDANCE REGARDING MATCHABILITY OF CONTRIBUTIONS**

**EXAMPLES OF WRITTEN INSTRUMENTS – IMMEDIATE, LATER OR NEVER MATCHABLE**

**Possible Exception Code: D-2**

Description of Written Instrument or Situation:  Signature Discrepancy on Joint Account	<b>Immed. Match</b>	<b>Later Match</b>	<b>Never Match</b>	<b>Action Required for Matchability and/or Remarks</b>
1. A check drawn on a joint tenant account is signed by one of the accountholders for both (i.e. “John and Jane Smith”).		X		1. Additional documentation that clarifies the exact contributor/signatory <b><u>must</u></b> be obtained.
2. A contribution as described in 1. above is attributed equally to both accountholders.		X		2. Additional documentation <b><u>must</u></b> be obtained that bears the signature of the non-signatory.
3. A solicitation sent to John Smith results in a contribution drawn on a joint tenant account that is signed by Jane Smith. John Smith is the named contributor on the committee’s records and matching fund submission.		X		3. The individual who signed the contribution check is presumed to be the contributor. The committee records must be changed to reflect Jane as the contributor or additional documentation <b><u>must</u></b> be obtained that bears John’s signature and acknowledges the contribution.

**Chapter VI GUIDANCE REGARDING MATCHABILITY OF CONTRIBUTIONS**

**EXAMPLES OF WRITTEN INSTRUMENTS – IMMEDIATE, LATER OR NEVER MATCHABLE**

**Possible Exception Code: E-1**

Description of Written Instrument or Situation:  Written Instrument Lacks Contributor's Signature	<b>Immed. Match</b>	<b>Later Match</b>	<b>Never Match</b>	<b>Action Required for Matchability and/or Remarks</b>
1. A money order, cashier's check, or similar written instrument bears only the typed name of the contributor.			X	1. The signature of the contributor and required additional documentation <b>must</b> accompany the <b>original</b> submission.
2. A money order representing an equal joint contribution from two individuals bears the signature of one contributor but only the typed name of the second contributor. The required additional documentation has been obtained from both individuals.	X (a)		X (b)	2.(a). The contribution for the individual whose signature is on the money order is matchable.  (b). Even though the required additional documentation for the second contributor was obtained, the contribution is not matchable because the <b>signature</b> of the individual <b>was not</b> on the money order when originally submitted for matching.
3. A check having no printed accountholder identification bears an illegible signature.		X		3. Additional documentation <b>must</b> be obtained that identifies the contributor and acknowledges the signature on the instrument as that of the contributor. The signature on the additional documentation should be the same as on the instrument or the actual required signature.
4. A personal check signed by the accountholder contains a notation on the memo line that the contribution is for another individual.		X		4. Additional documentation that acknowledges the named individual's contribution drawn on an account that contains his/her personal funds and signed by the individual <b>must</b> be obtained. (This situation would be identified under Exception Code G-2).

**Chapter VI GUIDANCE REGARDING MATCHABILITY OF CONTRIBUTIONS**

**EXAMPLES OF WRITTEN INSTRUMENTS – IMMEDIATE, LATER OR NEVER MATCHABLE**

**Possible Exception Code: E-2**

Description of Written Instrument or Situation: Omitted Payee	Immed. Match	Later Match	Never Match	Action Required for Matchability and/or Remarks
1. The payee line of the written instrument was left blank by the contributor		X		1. Regulations at 11 CFR §9034.2(c) require written instruments to be made payable to the candidate or his/her authorized committee to be matchable.

**Possible Exception Code: E-3**

Description of Written Instrument or Situation: Discrepancy in Amount of Written Instrument	Immed. Match	Later Match	Never Match	Action Required for Matchability and/or Remarks
1. The numeric and written amount on the copy of the written instrument cannot be determined.		X		1. The copy of the written instrument must support the amount requested for matching.
2. The numeric and written amounts on the written instrument do not agree	X	X		2. Provided the contributor data file requests the written or lesser amount, the contribution is matchable.
3. The written instrument contains <b><u>only</u></b> a written or numeric amount but not both.	X			3. There is no discrepancy in the amount; the bank will negotiate the instrument for the amount provided.

**Chapter VI GUIDANCE REGARDING MATCHABILITY OF CONTRIBUTIONS**

**EXAMPLES OF WRITTEN INSTRUMENTS – IMMEDIATE, LATER OR NEVER MATCHABLE**

Possible Exception Code:  E-4

Description of Written Instrument or Situation: Discrepancy in Date on Written Instrument	Immed. Match	Later Match	Never Match	Action Required for Matchability and/or Remarks
1. The written instrument is dated <b>prior</b> to January 1 of the year preceding the calendar year of the Presidential election.			X	1. Regulations at 11 CFR §9034.2(a)(4) state the Written Instrument <b>must</b> be dated, physically received and deposited on or after January 1 of the year preceding the calendar year of the Presidential election.  <b>Exception:</b> If the instrument was deposited in January or early February of the year preceding the calendar year of the Presidential election <b>but</b> the year written on the instrument is the prior year, it will be viewed as an error on the part of the contributor because of the recent year change and the contribution will be matchable.
2. The written instrument, made payable to the candidate rather than the committee, bears a December date but omits the year.		X		2. Despite the date of deposit, the absence of the year on the instrument provides no assurance that the contribution was <b>received and deposited</b> in accordance with the regulations. Also, if the candidate is a dual federal candidate and a House or Senate committee was in operation, there is no assurance the contribution was intended for the Presidential campaign. See 3. below.
3. The written instrument is not dated.		X		3. Additional documentation <b>must</b> be obtained from the contributor that acknowledges, at a minimum, the month and year that the contribution was dated.



**Chapter VI GUIDANCE REGARDING MATCHABILITY OF CONTRIBUTIONS**

**EXAMPLES OF WRITTEN INSTRUMENTS – IMMEDIATE, LATER OR NEVER MATCHABLE**

**Possible Exception Code: F-1**

Description of Written Instrument or Situation: Requested Amount Exceeds the Amount of the Written Instrument	<b>Immed. Match</b>	<b>Later Match</b>	<b>Never Match</b>	<b>Action Required for Matchability and/or Remarks</b>
1. The contributor data file requests more in matching funds than the amount of the written instrument.		X		1. The contributor data file and committee records must be corrected to request the actual value of the written instrument.

**Possible Exception Code: F-2**

Description of Written Instrument or Situation: Requested Amount Exceeds the Amount of the Contribution from the Listed Contributor	<b>Immed. Match</b>	<b>Later Match</b>	<b>Never Match</b>	<b>Action Required for Matchability and/or Remarks</b>
1. A check in the amount of \$500 is drawn on a partnership account and identifies the attribution to be \$125 from each of four partners. Additional documentation is received from one partner and the full amount is attributed to him/her with \$250 requested in matching funds.		X		1. The written instrument and accompanying attribution indicates the partner made only a \$125 contribution. The contributor records must be adjusted and only \$125 requested in matching funds. Additional documentation should be obtained from the other partners for later submission.

**Chapter VI GUIDANCE REGARDING MATCHABILITY OF CONTRIBUTIONS**

**EXAMPLES OF WRITTEN INSTRUMENTS – IMMEDIATE, LATER OR NEVER MATCHABLE**

**Possible Exception Code: G-1**

Description of Written Instrument or Situation: Omitted Written Instrument	Immed. Match	Later Match	Never Match	Action Required for Matchability and/or Remarks
1. In place of a copy of the written instrument, a sheet is inserted indicating that the contribution has been deleted. An entry for the contributor remains on the contributor data file.			X	1. When a contribution has been deleted the contributor data file must be corrected. The contributor data file is the controlling factor in requesting matching funds; the written instruments only support the requested amounts.

**Possible Exception Code: G-2**

Description of Written Instrument or Situation: Written Instrument does not Support the Request for the Listed Contributor	Immed. Match	Later Match	Never Match	Action Required for Matchability and/or Remarks
1. A check identifying Jane Smith as the sole account holder and signed by Jane Smith is the written instrument submitted to support a matching fund request for John Smith who resides at the same address.		X		1. The submitted written instrument does not support the matching fund request. Either additional documentation from John Smith <b>must</b> be obtained <u>or</u> the contributor data file should be changed to list Jane Smith as the contributor, providing she has not been previously matched for \$250.
2. A check signed by the account holder contains a notation on the memo line that the contribution is for another individual.		X		2. Additional documentation that acknowledges the named individual's contribution drawn on an account that contains his/her personal funds and signed by the individual <b>must</b> be obtained.

**Chapter VI GUIDANCE REGARDING MATCHABILITY OF CONTRIBUTIONS**

**EXAMPLES OF WRITTEN INSTRUMENTS – IMMEDIATE, LATER OR NEVER MATCHABLE**

**Possible Exception Code: G-3**

Description of Written Instrument or Situation: Written Instrument cannot be Associated with Listed Contributor	Immed. Match	Later Match	Never Match	Action Required for Matchability and/or Remarks
1. A written instrument identifying John Smith as the accountholder or remitter is submitted to support a matching fund request for Mary Jones.		X		1. Additional documentation as described in this <u>Guideline</u> in which Mary Jones acknowledges her contribution was made by a check drawn on the account of John Smith and states that the account contains her personal funds <b><u>must</u></b> be obtained.
2. A written instrument in the amount of \$500 on which the contributor is neither identified as an accountholder or remitter/purchaser is submitted in support of a \$50 matching fund request. Additional documentation acknowledges <b><u>only</u></b> that the contributor made a contribution of \$50 on a given date.		X		2. As described in 1. above, unless fully describing the written instrument by which a contribution was made, additional documentation which addresses <b><u>only</u></b> the amount and date of a contribution <b><u>provides no assurance</u></b> the submitted instrument is the correct one that supports the matching fund request.

**Chapter VI GUIDANCE REGARDING MATCHABILITY OF CONTRIBUTIONS**

**EXAMPLES OF WRITTEN INSTRUMENTS – IMMEDIATE, LATER OR NEVER MATCHABLE**

Possible Exception Code:   H-1  

Description of Written Instrument or Situation: Incorrect, Incomplete or Omitted Mailing Address	<b>Immed. Match</b>	<b>Later Match</b>	<b>Never Match</b>	<b>Action Required for Matchability and/or Remarks</b>
1. On a regular submission, the mailing address listed for Jane Smith is actually the business address of John Smith.	X			1. It is presumed that the contributor can be located through the listed mailing address. The contributor's <b>residential</b> address is <b>only required</b> for the Threshold Submission.
2. On a regular submission, the mailing address listed for a contributor is that of a bank at which the individual's account is maintained because there was no address imprinted in the accountholder identification.		X		2. The contributor data base <b>must</b> contain a mailing address at which the individual may be located.
3. On a regular submission, the mailing address listed on the contributor data file is different (erroneous street name or number, city or state) than the mailing address on the written instrument.	X			3. Although matchable, data input errors will cause aggregation errors.
4. The mailing address on the contributor data base omits the street name and number.		X		4. If the contributor is listed with a mailing address in a city having more than one zip code, a full mailing address (including street name and number) is required.

**Chapter VI GUIDANCE REGARDING MATCHABILITY OF CONTRIBUTIONS**

**EXAMPLES OF WRITTEN INSTRUMENTS – IMMEDIATE, LATER OR NEVER MATCHABLE**

**Possible Exception Code: H-2**

Description of Written Instrument or Situation:  Incorrect Alphabetization	<b>Immed. Match</b>	<b>Later Match</b>	<b>Never Match</b>	<b>Action Required for Matchability and/or Remarks</b>
1. Misspelling of a contributor's name.		X		1. Contributors' names must be spelled correctly on the data file in order to be matchable.