



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

March 10, 1980

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1980-11

Mr. Rufus C. Phillips III  
6520 Ridge Street  
McLean, Virginia 22101

Dear Mr. Phillips:

This responds to your letter of February 5, 1980, requesting an advisory opinion regarding application of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations to contributions by spouses.

According to your letter, your 1978 campaign for the United States Senate from Virginia has an outstanding debt of approximately \$15,400. You hope to raise that amount through a fundraiser, mail solicitation of out-of-town givers, and spouses of contributors who have reached their \$1,000 contribution limit. However, in some cases the potential contributors have neither a checking account of their own nor a joint checking account with their spouses. In light of those circumstances you ask whether a person, who has neither their own checking account nor a joint checking account, may make a contribution to your 1978 campaign by using a check drawn on the account of a spouse who has already reached his/her \$1,000 contribution limit to your campaign.

Section 110.1(i)(1) of Commission regulations states that "even though a spouse in a single income family has contributed \$1,000 to a candidate for an election, the other spouse may similarly contribute \$1,000 to the same candidate for the same election." That regulation cites to 104.5(e) of the regulations which provides that "a contribution which represents contributions by more than one person shall indicate on the written instrument or on an accompanying writing signed by all contributors, the amount to be attributed to each contributor."

These regulations indicate that a contribution by both spouses could be made through one check for an amount up to \$2,000 (per candidate, per election) as long as the attribution is indicated and the check or accompanying document is signed by both the husband and wife. Since both the husband and wife may contribute on one check, the Commission concludes that it

would be permissible for a spouse in the situation you present, that is, a spouse who has neither a joint checking account nor any other checking account, to contribute through the checking account of the other spouse provided the check or an accompanying writing states whose contribution the check represents and is signed by the intended contributor.

This response constitutes an advisory opinion concerning application of the Act, or regulations prescribed by the Commission, to the specific transaction or activity set forth in your request. See 2 U.S.C. 437f.

Sincerely yours,

(signed)

Robert O. Tiernan  
Chairman for the  
Federal Election Commission