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To <minors04@fec.gov>

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Subject Comment on Proposed Regulation on Contributions by Minors

May 10, 2004

Mr. John C. Vergelli
Acting Assistant General Counsel
Federal Election Commission
999 E Street NW
Washington DC 20463

via e-mail to: minors04@fec.gov

Dear Mr. Vergelli:

This note is in response to the Commission's request for comments on Contributions and Donations by Minors.

In general, the proposed regulations should not impose any difficulty on our county party organization, but there are a few details that would benefit from refinement or clarification.

First, as the notice states, a requirement that funds be owned or controlled exclusively by a minor creates a potential conflict with state laws governing an unemancipated minor's rights to control assets without parental consent. Dropping the word "exclusively" would probably solve this difficulty. Even with this deletion, the remaining proposed provisions requiring knowing voluntary contribution and prohibiting contributions from earmarked gifts should suffice to prevent using minors as conduits for contributions actually coming from someone else.

Second, we strongly oppose new regulations establishing a minimum age for contributions, unless it is set very low (for example, 3 years old). While young children may very well lack the capacity to manage their finances in general, that does not imply that they are incapable of making a knowing donation from their own funds. For younger children, their funds will almost invariably come from their parents, in the form of an allowance or chore payments, and different parents have different philosophies regarding how much control to exercise over such funds. Many parents allow their children to make their own decisions on spending such funds, within certain reasonable guidelines.

The suggested analogy to tort liability is not valid. The age at which a child should be held responsible for negligence is not a valid indicator of when a child can make a knowing decision to give away money.

As a practical matter, our county party occasionally receives donations from minors, but the donations are almost invariably received in cash, and therefore are relatively small. There are several instances where this occurs. First, for older minors, some high-school students are active volunteers in the county party, and want to join as members (which they can do for as little as \$10). Second, both for those minors and for younger children whose families are active in the county party, they may wish to attend fund-raising events with their families. Some of these events are

planned with low admission costs, perhaps \$5 to \$20, and while many parents pay for their children's admission, some children who are of a more independent mindset may wish to support their friends and the people they meet at party functions with their own money. A child does not have to be very old to be able to make this decision, and those who do should not be prohibited from making small donations.

Very truly yours,

Richard Wallace
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