obligations pursuant to 11 CFR 104.3 that was generated directly or indirectly from computerized files or records, the schedule shall list in alphabetical order the sources of the receipts, the payees or the creditors, as appropriate. In the case of individuals, such schedule shall list all contributors, payees, and creditors in alphabetical order by surname.

## PART 9007—EXAMINATIONS AND AUDITS; REPAYMENTS

18. The authority citation for part 9007 continues to read as follows:

Authority: 26 U.S.C. 9007 and 9009(b).

19. Section 9007.1 is amended by revising paragraphs (b)(2)(iii), (c), (d) and (e) and adding new paragraph (f) to read as follows:

## § 9007.1 Audits.

- (b) \* \* \* (2) \* \* \*
- (iii) Exit conference. At the conclusion of the fieldwork, Commission staff will hold an exit conference to discuss with commit representatives the staff's prelimin
- conference to discuss with committee representatives the staff's preliminary findings and recommendations which the staff anticipates it will present to the Commission for approval. Commission staff will prepare a written Exit Conference Memorandum that discusses these findings and recommendations. A copy of the Exit Conference Memorandum will be given to committee representatives at the exit conference. These preliminary staff findings may include an evaluation of procedures and systems employed by the candidate and committee to comply with applicable provisions of the Federal Election Campaign Act, the Presidential Election Campaign Fund Act and Commission regulations; the accuracy of statements and reports filed with the Commission by the candidate and committee; and preliminary calculations regarding future repayments to the United States Treasury. Commission staff will advise committee representatives at this conference of the committee's opportunity to respond to these proposed findings, the projected timetable regarding the issuance of the
- (c) Committee response to the Exit Conference Memorandum. The candidate and his or her authorized

audit report and any repayment

determination, the committee's

and the procedures involved in

under 11 CFR 9007.2.

opportunity for an administrative

review of any repayment determination,

Commission repayment determinations

- committee may submit in writing within 60 calendar days after the exit conference, legal and factual materials disputing or commenting on the proposed findings contained in the Exit Conference Memorandum. In addition, the committee shall submit any additional documentation requested by Commission staff. Such materials may be submitted by counsel if the candidate so desires.
- (d) Approval and issuance of the audit report. (1) Before voting on whether to approve and issue an audit report, the Commission will consider any written legal and factual materials timely submitted by the candidate or his or her authorized committee in accordance with paragraph (c) of this section. The Commission-approved audit report may address issues other than those contained in the Exit Conference Memorandum. In addition, this report will contain a repayment determination made by the Commission pursuant to 11 CFR 9007.2(c)(1).
- (2) The audit report may contain issues that warrant referral to the Office of General Counsel for possible enforcement proceedings under 2 U.S.C. 437g and 11 CFR Part 111.
- (3) Addenda to the audit report may be approved and issued by the Commission from time to time as circumstances warrant and as additional information becomes available. Such addenda may be based on follow-up fieldwork conducted under paragraph (b)(3) of this section, and/or information ascertained by the Commission in the normal course of carrying out its supervisory responsibilities. The procedures set forth in paragraphs (c) and (d) (1) and (2) of this section will be followed in preparing such addenda. The addenda will be placed on the public record as set forth in paragraph (e) of this section. Such addenda may also include additional repayment determination(s).
- (e) Public release of audit report. (1) The Commission will consider the audit report in an open session agenda document. The Commission will provide the candidate and the committee with copies of any agenda document to be considered in an open session 24 hours prior to releasing the agenda document to the public.
- (2) Following Commission approval of the audit report, the report will be forwarded to the committee and released to the public. The Commission will provide the candidate and committee with copies of the audit report approved by the Commission 24 hours before releasing the report to the public.

- (f)(1)Sampling. In conducting an audit of contributions pursuant to this section, the Commission may utilize generally accepted statistical sampling techniques to quantify, in whole or in part, the dollar value of related audit findings. A projection of the total amount of violations based on apparent violations identified in such a sample may become the basis, in whole or in part, of any audit finding.
- (2) A committee in responding to a sample-based finding shall respond only to the specific sample items used to make the projection. If the committee demonstrates that any apparent errors found among the sample items were not errors, the Commission shall make a new projection based on the reduced number of errors in the sample.
- (3) Within 30 days of service of the Final Audit Report, the committee shall submit a check to the United States Treasury for the total amount of any excessive or prohibited contributions not refunded, reattributed or redesignated in a timely manner in accordance with 11 CFR 103.3(b) (1), (2) or (3); or take any other action required by the Commission with respect to sample-based findings.
- 20. In § 9007.2, paragraphs (a) (2) and (3) are revised, paragraph (a)(4) added, the introductory text of paragraph (b) is republished, paragraph (b)(4) is revised, paragraphs (c) and (d) are revised, and the first two sentences of paragraph (f), the first sentence of paragraph (g), and paragraph (i) are revised to read as follows:

## § 9007.2 Repayments.

- (a) \* \* \*
- (2) The Commission will notify the candidate of any repayment determinations made under this section as soon as possible, but not later than 3 years after the day of the presidential election. The Commission's issuance of the audit report to the candidate under 11 CFR 9007.1(d) will constitute notification for purposes of this section.
- (3) Once the candidate receives notice of the Commission's repayment determination under this section, the candidate should give preference to the repayment over all other outstanding obligations of his or her committee, except for any federal taxes owed by the committee.
- (4) Repayments may be made only from the following sources: personal funds of the candidate (without regard to the limitations of 11 CFR 9003.2(c)), contributions and federal funds in the committee's account(s), and any additional funds raised subject to the limitations and prohibitions of the