

§ 9007.3 Extensions of time.

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(c) * * * If a candidate seeks an extension of any 60-day response period under 11 CFR Part 9007, the Commission may grant no more than one extension to that candidate, which extension shall not exceed 15 days.

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22. Section 9007.5 is amended by revising paragraphs (a), (b), (c)(1)(ii) and the introductory text of paragraph (c)(4) to read as follows:

§ 9007.5 Petitions for rehearing; stays of repayment determinations.

(a) *Petitions for rehearing.* (1) Following the Commission's repayment determination or a final determination that a candidate is not entitled to all or a portion of post-election funding under 11 CFR 9004.9(f), the candidate may file a petition for rehearing setting forth the relief desired and the legal and factual basis in support. To be considered by the Commission, petitions for rehearing must:

- (i) Be filed within 20 calendar days following service of the Commission's repayment determination or final determination;
- (ii) Raise new questions of law or fact that would materially alter the Commission's repayment determination or final determination; and
- (iii) Set forth clear and convincing grounds why such questions were not and could not have been presented during the original determination process.

(2) If a candidate files a timely petition under this section challenging a Commission repayment determination, the time for repayment will be suspended until the Commission serves notice on the candidate of its determination on the petition. The time periods for making repayment under 11 CFR 9007.2(d) shall apply to any amounts determined to be repayable following the Commission's consideration of a petition for rehearing under this section.

(b) *Effect of failure to raise issues.* The candidate's failure to raise an argument in a timely fashion during the original determination process or in a petition for rehearing under this section, as appropriate, shall be deemed a waiver of the candidate's right to present such arguments in any future stage of proceedings including any petition for review filed under 26 U.S.C. 9011(a). An issue is not timely raised in a petition for rehearing if it could have been raised earlier in response to the Commission's original determination.

(c) * * *

(1) * * *

(ii) A request for a stay shall be made in writing and shall be filed within 30 calendar days after service of the Commission's decision on a petition for rehearing under paragraph (a) of this section or, if no petition for rehearing is filed, within 30 calendar days after service of the Commission's repayment determination under 11 CFR 9007.2(c).

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(4) All stays shall require the payment of interest on the amount at issue. The amount of interest due shall be calculated from the date 30 days after service of the Commission's repayment determination under 11 CFR 9007.2(c)(4) and shall be the greater of:

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23. Section 9007.7 is added to read as follows:

§ 9007.7 Administrative record.

(a) The Commission's administrative record for final determinations under 11 CFR 9004.9 and 9005.1, and for repayment determinations under 11 CFR 9007.2, consists of all documents and materials submitted to the Commission for its consideration in making those determinations. The administrative record will include the certification of the Commission's vote(s), the audit report that is sent to the committee (for repayment determinations), the statement(s) of reasons, and the candidate agreement. The committee may include documents or materials in the administrative record by submitting them within the time periods set forth at 11 CFR 9004.9(f)(2)(ii), 9005.1(b)(2), 9005.1(c)(4), 9007.1(c) and 9007.2(c)(2), as appropriate.

(b) The Commission's administrative record for determinations under 11 CFR 9004.9, 9005.1 and 9007.2 does not include:

(1) Documents and materials in the files of individual Commissioners or employees of the Commission that do not constitute a basis for the Commission's decisions because they were not circulated to the Commission and were not referenced in documents that were circulated to the Commission;

(2) Transcripts or audio tapes of Commission discussions other than transcripts or audio tapes of oral hearings pursuant to 11 CFR 9007.2(c)(2), although such transcripts or tapes may be made available under 11 CFR parts 4 or 5; or

(3) Documents properly subject to privileges such as an attorney-client privilege, or items constituting attorney work product.

(c) The administrative record identified in paragraph (a) of this

section is the exclusive record for the Commission's determinations under 11 CFR 9004.9, 9005.1 and 9007.2

PART 9008—FEDERAL FINANCING OF PRESIDENTIAL NOMINATING CONVENTIONS

24. The authority citation for part 9008 continues to read as follows:

Authority: 2 U.S.C. 437, 438(a)(6), 26 U.S.C. 9008, 9009(b).

25. Section 9008.12 is amended by revising the last sentence of paragraph (a)(2) to read as follows:

§ 9008.12 Repayments.

(a) * * *

(2) * * * The Commission's issuance of an audit report to the committee will constitute notification for purposes of the three year period.

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PART 9032—DEFINITIONS

26. The authority citation for part 9032 continues to read as follows:

Authority: 26 U.S.C. 9032 and 9039(b).

27. Section 9032.9 is amended by revising the first sentence of paragraph (c) to read as follows:

§ 9032.9 Qualified campaign expense.

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(c) Except as provided in 11 CFR 9034.4(e), expenditures incurred either before the beginning of the expenditure report period or after the last day of a candidate's eligibility will be considered qualified campaign expenses if they meet the provisions of 11 CFR 9034.4(a).

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PART 9033—ELIGIBILITY FOR PAYMENTS

28. The authority citation for part 9033 is revised to read as follows:

Authority: 26 U.S.C. 9003(e), 9033 and 9039(b).

29. Section 9033.1 is amended by republishing the introductory text of paragraph (b), by revising paragraph (b)(5), by adding a new second sentence to paragraph (b)(7), by revising paragraph (b)(11), and by adding new paragraph (b)(12), to read as follows:

§ 9033.1 Candidate and committee agreements.

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(b) *Conditions.* The candidate shall agree that:

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(5) The candidate and the candidate's authorized committee(s) will keep and furnish to the Commission all