documentation relating to disbursements and receipts including any books, records (including bank records for all accounts), all documentation required by this section (including those required to be maintained under 11 CFR 9033.11), and other information that the Commission may request. If the candidate or the candidate's authorized committee maintains or uses computerized information containing any of the categories of data listed in 11 CFR 9033.12(a), the committee will provide computerized magnetic media, such as magnetic tapes or magnetic diskettes, containing the computerized information at the times specified in 11 CFR 9038.1(b)(1) that meet the requirements of 11 CFR 9033.12(b). Upon request, documentation explaining the computer system's software capabilities shall be provided, and such personnel as are necessary to explain the operation of the computer system's software and the computerized information prepared or maintained by the committee shall be made available. *

- (7) * * * The candidate and the candidate's authorized committee(s) shall also provide any material required in connection with an audit, investigation, or examination conducted pursuant to 11 CFR part 9039. * * *
- (11) The candidate and the candidate's authorized committee(s) will pay an civil penalties included in a conciliation agreement or otherwise imposed under 2 U.S.C. 437g against the candidate, any authorized committees of the candidate or any agent thereof.
- (12) Any television commercial prepared or distributed by the candidate or the candidate's authorized committee(s) will be prepared in a manner which ensures that the commercial contains or is accompanied by closed captioning of the oral content of the commercial to be broadcast in line 21 of the vertical blanking interval, or is capable of being viewed by deaf and hearing impaired individuals via any comparable successor technology to line 21 of the vertical blanking interval.
- 30. Section 9033.4 is amended by removing paragraph (b) and redesignating paragraph (c) as paragraph (b).
- 31. Section 9033.11 is revised to read as follows:

§ 9033.11 Documentation of disbursements.

(a) Burden of proof. Each candidate shall have the burden of proving that disbursements made by the candidate or his or her authorized committee(s) or

persons authorized to make expenditures on behalf of the candidate or authorized committee(s) are qualified campaign expenses as defined in 11 CFR 9032.9. The candidate and his or her authorized committee(s) shall obtain and furnish to the Commission on request any evidence regarding qualified campaign expenses made by the candidate, his or her authorized committees and agents or persons authorized to make expenditures on behalf of the candidate or committee(s) as provided in paragraph (b) of this section.

- (b) Documentation required.
- (1) For disbursements in excess of \$200 to a payee, the candidate shall present a canceled check negotiated by the payee and either:
- (i) A receipted bill from the payee that states the purpose of the disbursement; or
- (ii) If such a receipt is not available, (A) One of the following documents generated by the payee: a bill, invoice, or voucher that states the purpose of the disbursement: or
- (B) Where the documents specified in paragraph (b)(1)(ii)(A) of this section are not available, a voucher or contemporaneous memorandum from the candidate or the committee that states the purpose of the disbursement; or
- (iii) Where the supporting documentation required in paragraphs (b)(1) (i) or (ii) of this section is not available, the candidate or committee may present collateral evidence to document the qualified campaign expense. Such collateral evidence may include, but is not limited to:
- (A) Evidence demonstrating that the expenditure is part of an identifiable program or project which is otherwise sufficiently documented such as a disbursement which is one of a number of documented disbursements relating to a campaign mailing or to the operation of a campaign office; or
- (B) Evidence that the disbursement is covered by a pre-established written campaign committee policy, such as a daily travel expense policy.
- (iv) If the purpose of the disbursement is not stated in the accompanying documentation, it must be indicated on the canceled check.
- (2) For all other disbursements, the candidate shall present:
- (i) A record disclosing the full name and mailing address of the payee, the amount, date and purpose of the disbursement, if made from a petty cash fund; or
- (ii) A canceled check negotiated by the payee that states the full name and mailing address of the payee, and the

amount, date and purpose of the disbursement.

- (3) For purposes of this section:
 (i) Payee means the person who provides the goods or services to the candidate or committee in return for the disbursement; except that an individual will be considered a payee under this section if he or she receives \$1000 or less advanced for travel and/or subsistence and if the individual is the recipient of the goods or services purchased.
- (ii) *Purpose* means the full name and mailing address of the payee, the date and amount of the disbursement, and a brief description of the goods or services purchased.
- (c) Retention of records. The candidate shall retain records with respect to each disbursement and receipt, including bank records, vouchers, worksheets, receipts, bills and accounts, journals, ledgers, fundraising solicitation material, accounting systems documentation, and any related materials documenting campaign receipts and disbursements, for a period of three years pursuant to 11 CFR 102.9(c), and shall present these records to the Commission on request.
 - (d) List of capital and other assets.
- (1) Capital assets. The candidate or committee shall maintain a list of all capital assets whose purchase price exceeded \$2000 when acquired by the campaign. The list shall include a brief description of each capital asset, the purchase price, the date it was acquired, the method of disposition and the amount received in disposition. For purposes of this section, "capital asset" shall be defined in accordance with 11 CFR 9034.5(c)(1).
- (2) Other assets. The candidate or committee shall maintain a list of other assets acquired for use in fundraising or as collateral for campaign loans, if the aggregate value of such assets exceeds \$5000. The list shall include a brief description of each such asset, the fair market value of each asset, the method of disposition and the amount received in disposition. The fair market value of other assets shall be determined in accordance with 11 CFR 9034.5(c)(2).

PART 9034—ENTITLEMENTS

32. The authority citation for part 9034 continues to read as follows:

Authority: 26 U.S.C. 9034 and 9039(b).

33. Section 9034.4 is amended by revising paragraphs (a) and (b)(3), by adding new paragraph (b)(8), by removing and reserving paragraph (c), by revising paragraph (d)(2), and by adding new paragraph (e), to read as follows: