



Fine Assessment and Waiver Policy for Late Filings of Campaign Statements

OVERVIEW

The filing of campaign statements provides voters and the general public important information that should be current and readily available, especially in the months before an election. The Political Reform Act (Government Code sections 87100-91014) provides that campaign statements filed late are subject to fines, which are enforced by the City Clerk, who is the City's filing officer.

This policy is intended to describe the assessment and waiver of fines as governed by the Political Reform Act and regulations of the Fair Political Practices Commission (California Code of Regulations, Title 2, Division 6). Should any part of this policy contradict State laws or regulations, State laws and regulations shall prevail.

Any person who files a statement or report after the deadline shall, in addition to other penalties or remedies established by the Political Reform Act, be liable for a late fine pursuant to Government Code Section 91013.

THERE IS NO PROVISION IN THE LAW FOR AN EXTENSION OF A FILING DEADLINE

Statements or reports are considered late starting the day¹ after the filing deadline imposed by the Political Reform Act. Statements of 30 pages or fewer will be considered on time if faxed to the filing officer by the deadline, as long as the originally signed paper version is sent by first-class mail, guaranteed overnight delivery, or personally delivered within 24 hours. Forms 496 and 497 must be sent by guaranteed overnight service, personal delivery, or fax, and second pre-election statements must be sent by personal delivery or guaranteed overnight service.

LATE FINE ASSESSMENT RULES

Pursuant to the Political Reform Act (GC §91013), late fines will be assessed in accordance with the following rules for campaign statements or reports, for which a specific written notice of the filing requirement has been sent:

Statements required to be filed 12 days before an election (2nd pre-election filing)

Filings received within 5 calendar days of written notice of filing requirement²

- A fine will be assessed for the third (3rd) late filing of any statement or report within the last three (3) years without "good cause" or the second (2nd) consecutive late filing of any statement or report without "good cause."
- Persons or committees who are assessed a late fine may submit evidence of "good cause" and a statement that the late filing was not willful for consideration of a waiver. To be considered, the Request for Waiver must be received within 30 days of the date of the notice of fine sent by the City Clerk's office.
- The fine will be calculated at \$10 per day, up to the cumulative amount of contributions or expenditures stated in the late statement or report (GC §82018), or one hundred dollars (\$100), whichever is greater (see examples on page 2).
- For **original** statements, the fine will be assessed starting the day after the filing deadline, and will be assessed each day until the statement is filed.
- When statement **copies** are required to be filed, fining begins five (5) days after the filing officer has sent specific written notice of the filing requirement, and shall continue until the date the statement is filed.

Filings received more than 5 calendar days after written notice of filing requirement¹

- **GC §91013 states that no fines may be waived for statements not filed within 5 days.**

¹ All references to "day," "days," "date," or "dates" in this Policy shall mean calendar days, unless otherwise required by law.

² Pursuant to GC §81010, the specific written notice of filing requirement is provided after the filing deadline to all persons who have failed to file a statement.

All other statements or reports

Filings received within 10 calendar days of written notice of filing requirement¹

- A fine will be assessed for the third (3rd) late filing of any statement or report within the last three (3) years without “good cause” or the second (2nd) consecutive late filing of any statement or report without “good cause.”
- Persons or committees who are assessed a late fine may submit evidence of “good cause” and a statement that the late filing was not willful for consideration of a waiver. To be considered, the Request for Waiver must be received within 30 calendar days of the date of the notice of fine sent by the City Clerk’s office.
- The fine will be calculated at \$10 per day, up to the cumulative amount of contributions or expenditures stated in the late statement or report (GC §82018), or one hundred dollars (\$100), whichever is greater (see examples on page 2).
- For **original** statements, the fine will be assessed starting the day after the filing deadline, and will be assessed each day, until the statement is filed.
- When statement **copies** are required to be filed, fining will begin ten (10) days after the filing officer has sent specific written notice of the filing requirement, and will continue until the date the statement is filed.

Filings received more than 10 calendar days after written notice of filing requirement¹

- **GC §91013 states that no fines shall be waived for statements not filed within 10 days.**

“GOOD CAUSE” FOR A WAIVER OF LATE FILING FINES

A request for waiver for “good cause” may be submitted in accordance with the above rules. Following review by the filing officer, the fine may or may not be waived, by decision of the filing officer in accordance with this Policy.

The waiver request must be signed or submitted electronically by the person required to file the Statement of Economic Interests. Examples of “good cause” are listed below.

Documentation that demonstrates and confirms the reason for the waiver request is required. (Please note: Description of personal details is not required.)

Examples of “good cause”:

Incapacitation for Medical Reasons

Adequate documentation consists of a doctor’s or other medical provider’s statement giving the dates of incapacitation and individual’s name. This information may also be provided for an immediate family member’s³ illness.

Hospitalization

Adequate documentation consists of a copy of the hospital bill or doctor’s statement showing the patient’s name and the date(s) of the hospitalization.

Accident Involvement

If medical attention is provided and results in the late filing, documentation showing the patient’s name and date(s) and time(s) of medical attention, is adequate. If the accident involvement results in delay or vehicle disablement which causes the late filing, adequate documentation consists of a police report showing the individual’s name, the date and time of the accident, and if applicable, whether or not the vehicle was disabled.

³ “Immediate family” means the spouse and dependent children, as defined in the CA Political Reform Act, § 82029, or as it may be amended in the CA Political Reform Act.

Loss or Unavailability of Records

The loss or unavailability of records must be due to a fire, flood, theft, or similar reason. Adequate documentation shall consist of a police, fire, or insurance report, containing the date of the occurrence and the extent of the loss or damage.

Other “Good Cause” as Shown

The City Clerk may waive late fines for other similar legitimate reasons beyond the filer’s control.

Reasons not considered “good cause”:

- Not receiving notice of filing requirements or deadline
- Not being available to sign forms
- Not sending filing to proper official
- Not knowing where to get forms
- Not having complete information by filing deadline
- Secretarial error

EXAMPLES OF LATE FINE CALCULATION:

Days Late	15	15	10	15	100
x \$10	\$150	\$150	\$100	\$150	\$1000
Cumulative Contributions	\$125	\$80	\$1000	\$500	\$500
Cumulative Expenditures	\$80	\$80	\$800	\$300	\$250
Maximum Fine:	\$125	\$100	\$100	\$150	\$500