

FINES AND WAIVERS: POLICY FOR LATE CAMPAIGN DISCLOSURE STATEMENTS

The late filing of campaign disclosure statements denies voters and the general public of important information that should be current and readily available, especially when it is close in time to an election. The Political Reform Act provides that campaign disclosure statements filed late are subject to fines, and the Monterey City Clerk's Office will enforce these fines.

Any person who files a campaign statement or report after the deadline imposed by the Political Reform Act is liable for a late fine pursuant to Government Code Section 91013. The fine is \$10.00 per day, starting the day after the filing deadline until the statement or report is filed; however, no liability shall exceed the cumulative amount (contributions) stated in the statement or report, or \$100.00, whichever is greater. For Example: If your total current contributions received is **\$1,500** and your report is over 10 days late, you can be fined \$1,500 for filing late.

The Monterey City Clerk's Office's policy on fines and waivers is consistent with the current policy of the Secretary of State's Office (issued in April 1995). The Elections Department will only consider waiver requests based upon specified "good cause" reasons for late filing. Acceptable "good cause" reasons involve situations beyond a filer's control (for example, incapacitating physical illness and natural disasters.). See attachment for a complete listing of "good cause" reasons and related documents.

The grounds for a waiver of late filing fines are very specific and limited.

The following do not constitute "good cause" and therefore are not grounds for a waiver:

- not receiving notice of filing requirements
- 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
- not picking up mail
- secretarial error

Please note that the Political Reform Act mandates that late fines be imposed if campaign statements are not filed within ten days (or within five days if the campaign statement is due to be filed 12 days before an election) after the filing officer has sent specific written notice of the filing requirement. The Act does not allow for the waiver of late fines imposed if the filer fails to comply with written notification from a filing officer.

Finally, it is important to remember that the great majority of people who file campaign statements comply with the law. Many individuals devote long and hard hours to ensuring that disclosure statements are complete, accurate and filed on time. Consequently, it is simply a matter of fairness to adhere to a rigorous policy for waiving fines imposed on those filers who are not diligent.