CONTRA COSTA COUNTY ELECTIONS DIVISION

FINE & WAIVER GUIDELINES

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 in the months before an election. The Political Reform Act provides that campaign disclosure statements filed late are subject to fines, and the Contra Costa County Elections Division enforces these fines.

Government Code Section 91013 imposes a fine of $10 per day after the filing deadline until the statement is filed. The liability is limited to the cumulative amount of the contributions or expenditures for the period covered by the late statement or $100, whichever is greater.

Our Election Division's policy on fines and waivers is consistent with the Fair Political Practices Commission's Guidelines for Imposing and Waiving Fines. Our division 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).

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

The Elections Division has discretion on whether to assess a fine on a late statement if the filer requests in writing to waive or reduce the fine. The Elections Division has the authority to fully or partially waive a fine if the filing official determines that the late filing was due to "good cause." Government Code 91013 (a).

TEN DAY RULE (Calendar Days)

The Political Reform Act mandates that late fines be imposed if campaign statements are not filed within 10 days (or within 5 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.

Statements postmarked by the deadline are considered filed on time. Because statements may be mailed overnight and not received until the day after the deadline, the Elections Division identifies late statements two days after the deadline. The following rules shall apply:

- Persons who file within 10 days of the filing deadline, **with no prior history of late filings** and a letter explaining why the statement is late, will be granted automatic waivers. If no letter of explanation is filed, the filer will automatically be fined $10 per day, beginning the day after the statement was due, up to the maximum allowed by law.

- Persons who file within 10 days of the filing deadline, **who have filed late in prior years**, are required to provide "good cause" in writing. Following review by the filing officer, the fine may or may not be waived. If no "good cause" explanation is filed, the filer will automatically be fined $10 per day, beginning the day after the statement was due, up to the maximum allowed by law.

- Persons who file **more than 10 days after the deadline**, will automatically be fined $10 per day, beginning the day after the statement was due, up to the maximum allowed by law. Waivers cannot be granted.

- Waivers cannot be granted for the Supplemental Pre-Election Statement required by the County Ordinance for persons running for County Offices.

DEADLINES

Filing deadlines are available from the ***Candidate Services Section*** in the Contra Costa County Elections Division located at 555 Escobar St., Martinez, CA 94553, Monday thru Friday, 8:00 a.m. - 5:00 p.m., except holidays. Our contact number is 925.335.7874 or 1.877.335.7802.

Contra Costa County Election Division's website is www.cocovote.us and the FPPC website is www.fppc.ca.gov.

FAXING GUIDELINES:

- Report contains 30 pages or less
- The faxed copy must be an exact copy of the original version
- Original version must be sent by first-class mail, guaranteed overnight delivery or delivered personally within 24 hours of the deadline

Exceptions: Original Form 470 Supplements, late contribution reports and late independent expenditure reports are not required to be mailed if the reports are faxed because these documents do not require signatures.

ELECTIONS DIVISION PROCESS:

1. The filing officer will make a courtesy call **on the 2nd day following the deadline**, notifying the responsible party that the statement is late. The officer will immediately follow-up by sending a notice that the **campaign statement** is late. The statement and a **written reason** explaining why the statement is late, must be filed **within 10 days** of the phone call;

2. If the **campaign statement** is filed **within 10 days** of the phone call **without any written reason** why the filing officer should consider waiving the fee, the filer will be fined $10.00 per day, beginning the day after the statement was due, up to the maximum allowed by law;

3. If the **campaign statement** and a **"good cause" written reason** explaining why the statement is late is filed **within 10 days** (or 5 days if it is a 2nd pre-election statement) of the phone call; the filing officer will review the reasons for the late filing. A determination regarding whether a waiver will be granted will be made. The filer will be notified of the decision.

4. A **second notification** will be sent if the **campaign statement** has not been filed **within 10 days.** The filer will automatically be fined $10.00 per day, beginning the day after the statement was due, up to the maximum allowed by law. Waivers cannot be granted. The matter **will be reported to the Fair Political Practices Commission Enforcement Division,** if the statement is not filed **within 5 additional days;**

5. If the **filer fails to respond by the notified deadline**, the filing officer **will automatically report the matter to the FPPC Enforcement Division, with no further notification to the filer.**

CAMPAIGN DISCLOSURE "GOOD CAUSE"
REASONS FOR WAIVING LATE FILING FINES

The Contra Costa County Elections Division will consider requests to waive the payment of a late filing fine if the request is based on "good cause."

WAIVER REQUEST

A request for waiver may be submitted on a Request for Waiver of Liability Form (Waiver Form) or a statement in writing is acceptable. The waiver request must be signed by the person(s) required to file the particular statement or report.

There are two categories of "good cause" for waiving late filing fees. These causes must relate to the person required to file the report or statement.

Documentation that demonstrates and confirms "official validity" of the reason for the waiver request is required, if applicable. (Please note: Confirmation of personal details is not required.)

FIRST CATEGORGY OF GOOD CAUSE

INCAPACITATION FOR MEDICAL REASONS

Adequate documentation consists of a doctor's, psychologist's, therapist's, or chiropractor's, or other medical provider's statement giving the nature of the incapacitation, the date(s) thereof, and the individual's name.

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 INVOLVMENT

If medical attention is provided and results in the late filing, a copy of the hospital bill, emergency room service, or doctor's statement, showing the patient's name and date(s) and time(s) of medical attention, is adequate documentation. 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.

DEATH

Adequate documentation consists of a copy of the death certificate or an obituary notice.

SECOND CATEGORY OF GOOD CAUSE

The second category is defined as other unique, unintentional factors beyond the filer's control not stemming from a negligent act or non-action. The factor's are:

1. **Loss or Unavailability of Records**

   The loss or unavailability of records 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.

2. **Unique Reasons**

   Other unique reasons. These include compelling reasons beyond the filer's control.

REASONS WHICH WILL NOT BE CONSIDERED GOOD CAUSE:

- 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