

February 7, 1977

A-77-424

Ms. Carol G. Stick
Registrar of Voters
County of Sacramento
Department of Voter Registration
and Elections
3700 Branch Center Road, Suite C
Sacramento, CA 95827

Dear Ms. Stick:

This letter will confirm my telephone conversations with you and Ms. Dixie Blasy on February 4, 1977. In those conversations, I provided advice regarding your December 10, 1976 letter relating to your duties as a filing officer who receives original campaign disclosure statements.

The question we discussed is summarized as follows:

Pursuant to Government Code Section 91013(a), are you required to fine Mr. Hollis E. Barnes, a candidate for Director of the Sacramento Area Economic Opportunity Council?

The essential facts underlying this question are as follows:

1. The campaign disclosure statement was due September 23, 1976.
2. You put a specific written notice in the mail on September 28, 1976, but the notice was postmarked September 29, 1976.
3. Mr. Barnes received the notification on Friday, October 1, 1976.
4. Mr. Barnes mailed his statement (Form 470) on Sunday, October 3, 1976, but the statement was postmarked and received by you on October 4, 1976.

Based on these facts, you are not required to fine Mr. Barnes for late filing. Rather, you may use your discretion to determine whether or not Mr. Barnes should be fined.

Ms. Carol J. Stick
February 7, 1977
Page Two

You are not required to fine Mr. Barnes pursuant to Government Code Section 91013(a) because the date you mailed specific written notification is September 29, 1976--the date your notice was postmarked. And because Mr. Barnes filed his statement on October 4, 1976, he filed within five days after you sent your notice.

I hope the above advice is helpful. If you have any questions regarding this advice, please contact me.

Sincerely,

John C. Greenwood
Program Coordinator

JCG:av



COUNTY OF SACRAMENTO

DEPARTMENT OF VOTER REGISTRATION & ELECTIONS

3700 BRANCH CENTER ROAD, SUITE C

SACRAMENTO CALIFORNIA 95827

(916) 440-5611

CAROL J. STICK
REGISTRAR OF VOTERS

7-1424
DEC 16 8 26 AM '76
P P C

DECEMBER 10, 1976

FAIR POLITICAL PRACTICES COMMISSION
1100 K STREET
SACRAMENTO, CALIFORNIA 95814

ATTENTION: REGINA KUTCHINS

DEAR Ms. KUTCHINS:

I RECEIVED THE ATTACHED LETTER FROM MR. HOLLIS E. BARNES, A CANDIDATE FOR DIRECTOR OF THE SACRAMENTO AREA ECONOMIC OPPORTUNITY COUNCIL. HE DID COME TO THIS OFFICE PRIOR TO WRITING THE LETTER REQUESTING CONSULTATION WITH COUNTY COUNSEL AND FAIR POLITICAL PRACTICES COMMISSION AND I GAVE HIM THE FOLLOWING VERBAL REPLIES TO HIS QUESTIONS.

QUESTION #1. SHOULD NOT THE 5 DAYS TO COMPLY AFTER NOTIFICATION BEGIN AND END USING THE SAME CRITERIA, I.E., DATE OF PREPARATION OF YOUR NOTIFICATION AND MY STATEMENT, DATE OF THE MAILING OF YOUR NOTIFICATION AND MY MAILING OF MY STATEMENT OR DATE OF THE RECEIPT OF YOUR NOTIFICATION AND MY STATEMENT.

ANSWER I QUOTED GOVERNMENT CODE SECTION 91013(A) ESPECIALLY INDICATING THAT NO LIABILITY SHALL BE WAIVED IF A STATEMENT OR REPORT IS NOT FILED WITHIN FIVE DAYS AFTER THE FILING OFFICER HAS SENT SPECIFIC WRITTEN NOTICE OF THE FILING REQUIREMENT. MY LETTER DATED SEPTEMBER 28, 1976 WAS PUT IN THE MAIL ON THE SAME DATE BUT APPARENTLY OUR MESSAGE CENTER DID NOT POSTMARK IT UNTIL SEPTEMBER 29, 1976 (COPY OF LETTER ATTACHED). MY INTERPRETATION OF THE CODE IS THAT THE FIVE DAYS GRACE BEGINS ON THE DATE THAT THE LETTER WAS DATED AND MAILED IRREGARDLESS OF THE POSTMARK, AND THAT THE CANDIDATE MUST FILE BY THE END OF THE GRACE PERIOD WHICH WAS OCTOBER 2, 1976 IN ORDER TO AVOID PENALTIES.

QUESTION #2. WHAT EFFECT DOES WEEKENDS HAVE ON COMPLYING WITH THE DEADLINE. BECAUSE OF THE DAY AND TIME I RECEIVED THE NOTIFICATION AND THE DEADLINE IT WAS IMPOSSIBLE TO COMPLY.

ANSWER I INDICATED TO HIM THAT WEEKENDS COUNT AS PART OF THE FIVE DAYS GRACE PERIOD. I INFORMED HIM THAT WHEN HE SIGNED FOR HIS NOMINATION PACKAGE THAT THE CAMPAIGN REPORTING WAS POINTED OUT AS A REQUIREMENT AND THE INFORMATION MANUAL ON CAMPAIGN DISCLOSURE WAS ISSUED TO HIM. IT WAS HIS RESPONSIBILITY TO SEE THAT THE REPORT WAS FILED IN A TIMELY MANNER. THE MANUAL CLEARLY STATES ON PAGE 4 "STATEMENTS MUST BE RECEIVED BY THE APPROPRIATE FILING OFFICER BY THE FILING DEADLINE. IT IS NOT SUFFICIENT TO SEND THE STATEMENTS BY ORDINARY MAIL POST-MARKED AS OF THE FILING DEADLINE. HOWEVER, STATEMENTS MAILED

FIRST-CLASS REGISTERED MAIL (NOT CERTIFIED MAIL) WILL BE CONSIDERED RECEIVED ON THE DATE OF THE POSTMARK."

QUESTION #3. SHOULD ANY PENALTY ASSESSED BE IN ACCORDANCE WITH SUBSECTION (B) OF GOVERNMENT CODE SECTION 91013 RATHER THAN SUBSECTION (A).

ANSWER No. THE CANDIDATE WAS REQUIRED TO FILE AN ORIGINAL STATEMENT WITH SACRAMENTO COUNTY BECAUSE HE WAS A LOCAL CANDIDATE.

REQUEST YOUR ADVICE AND COUNSEL ON THE ABOVE ISSUES.

VERY TRULY YOURS,



CAROL J. STICK
REGISTRAR OF VOTERS

ENCLOSURES

CC: HOLLIS BARNES

Necessary action.
Coral

24 Oct. 76

Dear Mrs. Stick

OCT 27 1 57 PM '76

I would like to request a review of the penalty assessed in your letter to me dtd 10-7-76.

BACKGROUND:

I failed to file a campaign statement prior to the 9-23-76 deadline.

On 9-28-76 you prepared a letter to me reminding me of the filing deadline. It was postmarked 9-29-76 and received by me after work on Fri 10-1-76.

On 10-2-76 I prepared a campaign statement. This was mailed by me on 10-3-76. The letter was postmarked 10-4-76.

On 10-7-76 you concluded that I should be penalized \$100⁰⁰ for failing to comply with the ~~9~~ 9-23-76 deadline & your subsequent reminder. (Assessed at 10⁰⁰ per day from 24 Sep. to 3 Oct.).

QUESTIONS:

1. Should not the 5 days to comply after notification begin & end using the same criteria i.e. date of preparation of your notification & my statement, date of the mailing of your notification & my mailing of my statement ~~and~~ or date of the receipt of your notification & my statement.

2. What effect does work-days have on complying

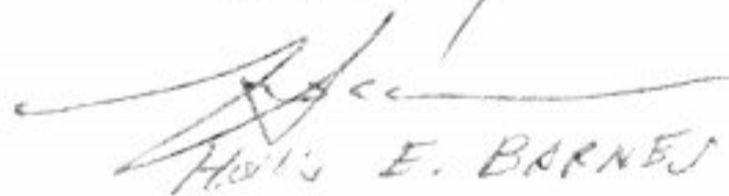
with the deadline. Because of the day & time I received ~~the~~ the notification and ^{the} deadline it was impossible to comply.

3. Should any penalty assessed be in accordance with subsection B of Govt Code Sec. 91013 rather than subsection A.

RECOMMENDATION: That the District Attorney, County Counsel and/or Fair Political Practices Commission be consulted regarding answers to the above questions.

Thank you for your consideration of this matter

Sincerely



Holly E. BARNES

Candidate for SAFOC.

SAPOC



COUNTY OF SACRAMENTO

DEPARTMENT OF VOTER REGISTRATION & ELECTIONS

3700 BRANCH CENTER ROAD, SUITE C
SACRAMENTO CALIFORNIA 95827
(916) 440-5611

CAROL J. STICK
REGISTRAR OF VOTERS

OCTOBER 7, 1976

- HOLLIS E. BARNES
- 7653 BETH ST
- SACRAMENTO, CA 95832
-

RE: CAMPAIGN STATEMENT - LATE FILING FEE

I NOTIFIED YOU ON SEPTEMBER 28, 1976 THAT YOUR CAMPAIGN STATEMENT DUE NO LATER THAN SEPTEMBER 23, 1976 HAD NOT BEEN FILED.

YOUR STATEMENT WAS FILED ON OCTOBER 4, 1976.

GOVERNMENT CODE SECTION 91013 REQUIRES THAT PENALTIES ARE MANDATORY FOR REPORTS RECEIVED STARTING FIVE DAYS AFTER THE FILING OFFICER HAS SENT SPECIFIC NOTICE OF THE FILING REQUIREMENT AND UNTIL THE STATEMENT IS FILED.

I AM SORRY TO INFORM YOU THAT A PENALTY IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100.00) HAS BEEN ASSESSED. THIS AMOUNT IS NOW DUE AND PAYABLE. YOUR CHECK OR MONEY ORDER SHOULD BE PAYABLE TO SACRAMENTO COUNTY AND MAILED TO THE LETTERHEAD ADDRESS.

VERY TRULY YOURS,

Carol J. Stick
 CAROL J. STICK *ext*
 REGISTRAR OF VOTERS

DDB/MA



Form 470

CANDIDATES CAMPAIGN STATEMENT

SHORT FORM

(GOVERNMENT CODE SECTION 84200-84214)

Period 1-7-75 through 9-20-76

FILED

OCT 4 1976

BY CAROL J. STICK, REGISTRAR
 FOR OFFICIAL USE ONLY
 DEPUTY

A

B

A candidate for whom not more than \$200 has been received or spent on behalf of his candidacy may file this short form.
NOTE: Once contributions or expenditures exceed \$200 for the ENTIRE CAMPAIGN, the candidate must file Form 430.

Name of candidate Hollis E. BARNES

Residential address 7653 BETH St. Sacramento, Calif. 95832 Phone (916) 645-1289
(NO. AND STREET) (CITY) (STATE) (ZIP CODE) (AREA CODE)

Business address 9601 Kiefer Blvd Sacramento, Calif Phone (916) 363-3161
(NO. AND STREET) (CITY) (STATE) (ZIP CODE) (AREA CODE)

Type of election General Date of election Nov. 2, 1976
(PRIMARY, GENERAL, SPECIAL) (MONTH, DAY, YEAR)

Office for which you are a candidate Sacramento Area Economic Opportunity Council

Political party and district number (if applicable) N/A

VERIFICATION

I declare under penalty of perjury that to the best of my knowledge not more than \$200 has been received or expended on behalf of or in support of my candidacy, by myself or by any committee of which I have knowledge.

Executed on 2 Oct. 76 at Sacramento, Calif
(DATE) (CITY AND STATE)

[Signature]
(SIGNATURE OF CANDIDATE)

H. E. BARNES
7653 BETH ST.
SACRAMENTO, CALIF. 95832



Registration & Election Div.
Suite C
3700 Branch Center Rd
Sacramento, Calif. 95827

PS Form 3811, Nov. 1973
RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

SEND TO: Complete items 1 and 2. Add your address in the "TURN TO" space on reverse.

1. The following service is requested (check one).
- Show to whom and date delivered..... 15¢
 - Show to whom, date, & address of delivery.. 35¢
 - DELIVER ONLY TO ADDRESSEE and show to whom and date delivered..... 65¢
 - DELIVER ONLY TO ADDRESSEE and show to whom, date, and address of delivery..... 85¢

2. ARTICLE ADDRESSED TO:
*HOLLIS BAENEZ
 2653 BETL ST
 CA 95625*

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 744900

(Always obtain signature of addressee or agent)
 I have received the article described above.
 SIGNATURE

4. DATE OF DELIVERY
OCT 1 1978

5. ADDRESS (Complete only if required)
4711 Howe Ave

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS



UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Place your name, address, and ZIP Code in the space below.
• Complete items 1 and 2 on reverse side.
• Machine gummed ends and attach to back of article.

**RETURN
TO**



Registration & Election Div.

SUITE C

3700 BRANCH CENTER RD.

SACRAMENTO, CALIF. 95827

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



91700
376



COUNTY OF SACRAMENTO

DEPARTMENT OF VOTER REGISTRATION & ELECTIONS

1700 BRANCH CENTER ROAD, SUITE C
SACRAMENTO CALIFORNIA 95827
(916) 440-5611

CAROL J. STICK
REGISTRAR OF VOTERS

SEPTEMBER 28, 1976

HOLLIS E. BARNES
7653 BETH STREET
SACRAMENTO, CA 95832

PURSUANT TO THE POLITICAL REFORM INITIATIVE (PROPOSITION 9) ALL OFFICEHOLDERS, CANDIDATES, COMMITTEES, AND MAJOR DONORS FOR STATE OR LOCAL PUBLIC OFFICE MUST FILE CAMPAIGN STATEMENTS ITEMIZING RECEIPTS AND EXPENDITURES. AS AN OFFICEHOLDER, CANDIDATE, COMMITTEE, OR MAJOR DONOR, YOU WERE REQUIRED TO FILE A CAMPAIGN STATEMENT NO LATER THAN 9-23-76, TO COVER THE PERIOD 1-7-75 THROUGH 9-20-76.

AS OF THIS DATE, YOUR STATEMENT HAS NOT BEEN RECEIVED. GOVERNMENT CODE SECTION 91013, PROVIDES AS FOLLOWS:

(a) "[I]F ANY PERSON FILES AN ORIGINAL STATEMENT OR REPORT, AFTER ANY DEADLINE IMPOSED BY THIS ACT HE SHALL, IN ADDITION TO ANY OTHER PENALTIES OR REMEDIES ESTABLISHED BY THIS ACT, BE LIABLE IN THE AMOUNT OF TEN DOLLARS (\$10) PER DAY AFTER THE DEADLINE UNTIL THE STATEMENT OR REPORT IS FILED, TO THE OFFICER WITH WHOM THE STATEMENT OR REPORT IS REQUIRED TO BE FILED. LIABILITY NEED NOT BE ENFORCED BY THE FILING OFFICER IF ON AN IMPARTIAL BASIS HE DETERMINES THAT THE LATE FILING WAS NOT WILLFUL AND THAT ENFORCEMENT OF THE LIABILITY WILL NOT FURTHER THE PURPOSES OF THE ACT, EXCEPT THAT NO LIABILITY SHALL BE WAIVED IF A STATEMENT OR REPORT IS NOT FILED WITHIN FIVE DAYS AFTER THE FILING OFFICER HAS SENT SPECIFIC WRITTEN NOTICE OF THE FILING REQUIREMENT.

(b) IF ANY PERSON FILES A COPY OF A STATEMENT OR REPORT AFTER ANY DEADLINE IMPOSED BY THIS ACT, HE SHALL, IN ADDITION TO ANY OTHER PENALTIES OR REMEDIES ESTABLISHED BY THIS CHAPTER, BE LIABLE IN THE AMOUNT OF TEN DOLLARS (\$10) PER DAY, STARTING FIVE DAYS AFTER THE OFFICER HAS SENT SPECIFIC NOTICE OF THE FILING REQUIREMENT AND UNTIL THE STATEMENT IS FILED.

(c) THE OFFICER SHALL DEPOSIT ANY FUNDS RECEIVED UNDER THIS SECTION INTO THE GENERAL FUND OF THE JURISDICTION OF WHICH HE IS AN OFFICER. NO LIABILITY UNDER THIS SECTION SHALL EXCEED THE CUMULATIVE AMOUNT STATED IN THE LATE STATEMENT OR REPORT, OR ONE HUNDRED DOLLARS (\$100), WHICHEVER IS GREATER."

ACCORDINGLY, THE PENALTY PROVIDED IN (A) ABOVE WILL BEGIN TO ACCRUE IF THE STATEMENT IS NOT FILED BY OCTOBER 2, 1976.

SECTION 91010 OF THE CALIFORNIA GOVERNMENT CODE REQUIRES THE FILING OFFICER TO DETERMINE THAT A TIMELY FILING HAS BEEN MADE AND THAT ALL ITEMS ON EACH FORM HAVE BEEN COMPLETED.

THE LAW ALSO REQUIRES THIS OFFICE TO REPORT APPARENT VIOLATIONS TO THE DISTRICT ATTORNEY.

PLEASE CALL THE CAMPAIGN REPORTING UNIT AT 440-5611 IF YOU REQUIRE FURTHER INFORMATION.

CC: DISTRICT ATTORNEY
COUNTY COUNSEL

SINCERELY,

CAROL J. STICK

No. 744900

RECEIPT FOR CERTIFIED MAIL—30¢ (plus postage)

SENT TO	HALL'S BARNES	POSTMARK OR DATE
STREET AND NO.	7453 Beth St	
P.O., STATE AND ZIP CODE	SAC CA 95031	
OPTIONAL SERVICES FOR ADDITIONAL FEES		
RETURN	1. Shows to whom and date delivered	15¢
RECEIPT	With restricted delivery	65¢
SERVICES	2. Shows to whom, date and where delivered	35¢
	With restricted delivery	85¢
RESTRICTED DELIVERY		50¢
SPECIAL DELIVERY (extra fee required)		

PS Form 3800
Rev. 1975

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See other side)