



California Fair Political Practices Commission

June 17, 1988

Ernest R. Hawkins
Registrar of Voters
County of Sacramento
3700 Branch Center Road
Sacramento, CA 95827

Re: Your Request for Advice
Our File No. I-88-196

Dear Mr. Hawkins:

You have requested advice concerning your responsibilities as a filing officer for campaign disclosure statements under the Political Reform Act (the "Act").^{1/}

QUESTION

May a filing officer impose a fee for locating and retrieving a campaign disclosure statement requested by a member of the public?

CONCLUSION

A filing officer may not impose a fee for locating and for retrieving a campaign disclosure document which has been requested by any person.

FACTS

You are a filing officer for campaign disclosure statements. You plan to install a computer assisted document storage and retrieval system which will be made available for use by members of the general public in your office during regular business hours. Persons who use the computer system to identify and access campaign disclosure documents will not be charged any fee except ten cents per page for photocopies.

^{1/}Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

ANALYSIS

As a filing officer for campaign disclosure statements, you are required to provide access for public inspection and reproduction of the disclosure statements. (Sections 81008, 81009, 81010 and Regulation 18110.)

Your letter indicates that you plan to install a computer assisted document storage and retrieval system. Members of the general public who want to research and access campaign disclosure documents filed with your office would be permitted to use the system free of charge during regular business hours. You want to know if it is permissible under the Act to charge a research fee to persons who do not conduct their own research but who request that your staff perform the research for them.

The Act requires that campaign disclosure statements be open for public inspection and reproduction during regular business hours. (Section 81008.) No conditions whatsoever shall be imposed upon persons desiring to inspect or reproduce campaign disclosure statements. (Section 81008.) The only fee which filing officers are authorized to charge is no more than ten cents per page for copies of disclosure documents. (Section 81008.)

The Commission has consistently interpreted Section 81008 to prohibit imposition of monetary charges for staff time to locate and to make available campaign disclosure statements. (See Magana advice letter, No. I-86-115, copy enclosed.) This advice is applied equally to requests made in person at your office and to requests made by other means of communication, such as by telephone or by letter.

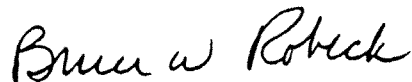
A filing officer may not impose a charge for staff time or for other expenses associated with locating campaign disclosure documents which have been requested specifically. However, if a particular request appears to fall outside the boundaries of your duties as a filing officer, we encourage you to contact the Technical Assistance and Analysis Division to receive advice about the limits of your responsibilities.

Earnest R. Hawkins
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You may be aware that current legislation, SB 2537 (Craven), proposes to authorize filing officers to charge a retrieval fee of up to \$5 per request for requests for documents which are five or more years old. The advice in this letter may be altered if SB 2537 becomes law.

Sincerely,

Diane M. Griffiths
General Counsel



By: Bruce W. Robeck
Political Reform Consultant

DMG:BWR:kmt
Enclosures



COUNTY OF SACRAMENTO

VOTER REGISTRATION & ELECTIONS

MAY 21 1 19 PM '88

ERNEST R. HAWKINS
REGISTRAR OF VOTERS

DWIGHT M. BEATTIE
ASSISTANT REGISTRAR
OF VOTERS

May 16, 1988

Bruce W. Roebeck
Political Reform Consultant
Technical Assistance and Analysis Division
Fair Political Practices Commission
428 J Street, Suite 800
Sacramento, CA 95804

Dear Mr. Roebeck:

At the County Clerks' Association meeting in December, 1987, I inquired about my ability, as a filing officer, to charge a search or research fee in addition to copy charges, under certain circumstances, for campaign disclosure documents.

What I have in mind, is the installation of a computer assisted document storage and retrieval system which would allow the public to enter a candidate, committee, organization, election date or filing date into the computer and to have listed on a screen all of the documents relevant to the inquiry. I propose to make this equipment available during regular business hours free of cost. Copies would be available at \$0.10 each.

If someone did not want to come to my office to do their own search, I would like to recover my staff cost of researching the records.

Would such a charge be inconsistent with the code, regulation or policy?

Very truly yours,

Ernest R. Hawkins
Registrar of Voters



California Fair Political Practices Commission

May 27, 1988

Ernest R. Hawkins
Registrar of Voters
County of Sacramento
3700 Branch Center Road
Sacramento, CA 95827

Re: 88-196

Dear Mr. Hawkins:

Your letter requesting advice under the Political Reform Act was received on May 21, 1988 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact me directly at (916) 322-5662.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to the information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Code of Regs. Sec. 18329).)

You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

Jeanne Pritchard by *act*
Jeanne Pritchard
Chief
Technical Assistance and Analysis
Division

JP:ld



COUNTY OF SACRAMENTO

VOTER REGISTRATION & ELECTIONS

MAY 21 1 19 PM '88

ERNEST R. HAWKINS
REGISTRAR OF VOTERS

DWIGHT M. BEATTIE
ASSISTANT REGISTRAR
OF VOTERS

May 16, 1988

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Political Reform Consultant
Technical Assistance and Analysis Division
Fair Political Practices Commission
428 J Street, Suite 800
Sacramento, CA 95804

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