



California
Fair Political
Practices Commission

March 5, 1990

Karen Mathews
Assistant Registrar of Voters
Registration and Elections Division
912-11th Street, Room 1090
Modesto, CA 95354

RE: Your Request for Informal
Assistance
Our File No. I-89-663

Dear Ms. Mathews:

You have requested advice concerning the campaign disclosure provisions of the Political Reform Act (the "Act").^{1/} Because your request is a general inquiry, we treat your request as one for informal assistance pursuant to Regulation 18329(c) (copy enclosed).^{2/}

QUESTION

What recourse does a filing officer have in pursuing the collection of late fines imposed on a candidate and/or committee when the candidate and/or committee refuses to pay the fine?

CONCLUSION

Filing officers may obtain the services of private collection agencies or may bring suit in small claims court against persons failing to pay late filing penalties.

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.

2/ Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Government Code Section 83114; 2 California Code of Regulations Section 18329(c)(3).)

ANALYSIS

The Act provides that the collection of late filing penalties are enforceable by the appropriate filing officer or the jurisdictional legal officer. Section 91013.5, Collection of Penalties, states:


In addition to any other available remedies, the commission or the filing officer may bring a civil action and obtain a judgment in small claims, municipal, or superior court, depending on the jurisdictional amount, for the purpose of collecting any unpaid monetary penalties, fees, or civil penalties imposed pursuant to this title. The venue for this action shall be in the county where the monetary penalties, fees, or civil penalties were imposed by the commission or the filing officer. In order to obtain a judgment in a proceeding under this section, the commission or filing officer shall show, following the procedures and rules of evidence as applied in ordinary civil actions, all of the following:

- (a) That the monetary penalties, fees, or civil penalties were imposed following the procedures set forth in this title and implementing regulations.
- (b) That the defendant or defendants in the action were notified, by actual or constructive notice, of the imposition of the monetary penalties, fees or civil penalties.
- (c) That a demand for payment has been made by the commission or the filing officer and full payment has not been received.

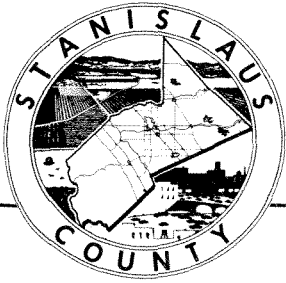
I hope this information is helpful. Please contact me at 916/322-5662, if you have additional questions concerning this matter.

Sincerely,

Kathryn E. Donovan
General Counsel


By: Mary Ann Kvasager
Political Reform Consultant

Enclosure



OFFICE OF
COUNTY CLERK - RECORDER

Telephone 209-525-6313

Registration and
Elections Division
912-11th Street,
Room 100
Modesto, Ca. 95354

DAVID A. WURM, COUNTY CLERK-RECORDER

November 16, 1989

Fair Political Practices Commission
Technical Assistance Division
P.O. Box 807
Sacramento Ca 95804

Dear Carla:

Please remit a written opinion as to the procedures to be taken when a candidate and/or committee has been fined for failure to file statements, and does not respond with payment.

Sincerely,

Karen Mathews
Assistant Registrar of Voters

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FPPC



California Fair Political Practices Commission

November 17, 1989

Karen Mathews
Assistant Registrar of Voters
County Clerk - Recorder
912-11th Street, Room 100
Modesto, CA 95354

Re: Letter No. 89-663

Dear Ms. Mathews:

Your letter requesting advice under the Political Reform Act was received on November 20, 1989 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 sid
Jeanne Pritchard
Chief Technical Assistance
and Analysis Division

JP:plh