

RAVI MEHTA
CHAIRMAN



FAIR POLITICAL PRACTICES COMMISSION

April 7, 1997

Robin Parker, CMC
City Clerk
City of Calabasas
26135 Mureau Road
Calabasas, California 91302

**Re: Your Request for Advice
Our File No. I-97-133**

Dear Ms. Parker:

You have requested advice concerning the campaign provisions of the Political Reform Act.¹ The commission is not able to provide advice on past conduct. Therefore, we are treating your letter as a request for informal assistance pursuant to Regulation 18329(c)(3).²

QUESTION

Based on information you received, you instructed a candidate not to file a pre-election statement. During a subsequent conversation with this office, it was determined that the candidate should have indeed filed a pre-election statement. Because the error was administrative, you have waived the late fine and are asking if your actions were appropriate.

CONCLUSION

A filing officer may impose a fine of \$10 per day for each day a committee's campaign statement is late. However, under certain circumstances, filing officers are permitted to waive or reduce fines.

¹ Government Code Sections 81000-91015. Commission regulations appear at Title 2, California Code of Regulations Section 18000, *et seq.*

² Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 83114; Regulation 18329(c)(3).)

ANALYSIS

The Act provides that filing officers may assess fees on late filings of statements or reports. Section 91013(a) states:

“If any person files an original statement or report after any deadline imposed by this act, he or she 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 required to be filed. Liability need not be enforced by the filing officer if on an impartial basis he or she determines that the late filing was not willful and that enforcement of the liability will not further the purposes of the act”

Filing officers have discretionary authority in assessing late penalties against filers who fail to file statements by the filing deadline so long as their discretion is exercised on an impartial basis.

If you have any questions regarding this letter, please contact me at (916) 322-5660.

Sincerely,

Steven G. Churchwell
General Counsel



By: Trish Mayer
Political Reform Consultant