



**City of Oceanside
Office of the City Clerk**

**Fine Assessment and Waiver Policy for
Late Filings of Campaign Disclosure Statements**

Overview

The Political Reform Act (“Act”) mandates specific deadlines for the filing of Campaign Disclosure Statements and provides that campaign statements filed late are subject to fines. Any person who files a Campaign Statement or report after the deadline imposed by the is liable for a late fine, In addition to any other penalties or remedies established by the Act. The fine is \$10 per day, starting with the date after the filing deadline until the statement or report is filed; however, no liability shall exceed the cumulative amount stated in the late statement or report, or \$100, whichever is greater. The City Clerk, as the filing officer, has the authority to fully waive the fine if, on an impartial basis, it is determined that the late filing was not willful and that enforcement of the liability will not further the purposes of the Act.

The City of Oceanside requires that all campaign statements shall be electronically filed per Ordinance 14-OR0050-1. Any person who files a statement or report after the deadline shall be liable for a late fine pursuant to Government Code Section 91013.

Should any part of this policy contradict State laws or regulations, State laws and regulations shall prevail.

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

Waiver/Late Fine Assessment Rules

Statements or reports are considered late starting the day after the filing deadline imposed by the Political Reform Act.

Pursuant to the Political Reform Act (GC §91013) late fines will be assessed in accordance with the following rules for campaign statements or reports, for which a specific written notice of the filing requirement has been sent.

When considering whether or not to waive a fine, the City Clerk will take into consideration any prior late filings. A filer who repeatedly files late, greatly increases the chance of receiving a fine.

Liability need not be enforced if, on an impartial basis, it is determined that the late filing was not willful. However, the City Clerk shall have no discretion to waive a fine if the statement or report is not filed within 5 days for a campaign statement required to be filed 12 days before an election (second pre-election statement) and 10 days for all other statements and reports after the filing officer has sent specific written notice of the filing requirement (GC §91013).

Assessing and Waiving Late Filing Fines:

- Persons or committees with no prior history of late filings who submit a statement explaining why the filing was late and assert that the late filing was not willful will be granted an automatic waiver.
- Persons or committees who have filed late in the past may submit evidence of “good cause” and a statement that the late filing was not willful for consideration of a waiver. To be considered, the

Request for Waiver must be received within 30 days of the date of the notice of fine sent by the City Clerk's office.

Following review by the filing officer, the fine may or may not be waived, in accordance with this Policy. A stricter standard may be applied to persons who filed late statements within the two years prior to the late filing in question. Full details of the event must be provided in writing.

In cases in which the filer does not have sufficient reason to justify the late filing, or fails to justify the late filing in writing, a full fine will be assessed.

Examples of "good cause" are listed below.

Incapacitation for Medical Reasons. Adequate documentation consists of a doctor's, psychologist's, therapist's, chiropractor's, or other medical provider's statement giving the nature of the incapacitation, the date(s) thereof, and the individual's name. This information may also be provided for an immediate family member illness.

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 Involvement. 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.

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.

Other Good Cause as Shown. The City Clerk may waive any late fine for other good cause as shown. Other good cause shall *not* include and the fine will not be waived for reasons such as:

- Notice of filing requirements or deadline not received
- Filer unavailable to sign forms
- Filer did not send filing to proper official
- Filer did not know where to get required forms
- Filer needed additional time to gather information in order to file
- Secretarial error

Late fines shall be deposited into the general fund of the City of Oceanside.