

**COUNTY OF MARIN/ELECTIONS DEPARTMENT
FINES AND ENFORCEMENT POLICY FOR
CAMPAIGN FINANCE DISCLOSURE STATEMENTS**

Campaign Statements

The late filing of campaign statements denies the general public important information that should be current and readily available. The Political Reform Act provides that campaign finance disclosure statements filed late may be subject to fines. The following policy, adopted by the office of the Elections Department of the County of Marin, is pursuant to Section 91013 of the Political Reform Act.

If any person files an original campaign finance statement after the deadline imposed by the Political Reform Act, he or she shall, in addition to any other penalties or remedies, be liable in the amount of ten dollars (\$10) per day after the deadline until the statement or report is filed. The filing officer need not enforce liability of fines if on an impartial basis he or she determines the late filing was not willful and the statement or report is filed before the waiver of liability period ends. No liability shall be waived if a campaign statement is not filed 10 days after *specific written notice*, and 5 days in the case of the second pre-election period. Liability under this policy shall not exceed the cumulative amount contributions or expenditures stated in the latest statement or report, or one hundred dollars (\$100) whichever is greater.

Due to the immediacy of the information involved prior to the election the waiver of liability period is not applicable for Late Contribution reports and Late Independent Expenditure reports. Independent expenditures for elective county offices please refer to County of Marin Ordinance 3519.

Failure to pay any fines associated with the late filing of reports or statements will result in civil action. The filing officer may obtain a judgment in small claims, municipal, or superior court, depending on the jurisdictional amount.

Failure to file the required reports or statements will result in referrals to the Enforcement Division of the Fair Political Practices Commission.

The Elections Department office will not investigate campaign disclosure violations. The parties pursuant to Section 91001 of the Political Reform Act, and any persons residing within the jurisdiction, may pursue civil actions or injunctions, depending on the nature of the violation.

Process

1. Although our office is not required to send initial campaign finance notices prior to filing deadlines, we will send notifications to filers roughly 30 days prior to the filing deadline with only one reminder notice sent for both pre-election periods.

2. All statements may be faxed or emailed, however we must receive by regular mail those statement pages that require signatures. A faxed or scanned statement shall not be deemed filed and therefore considered late if the original signature is not received.
3. All statements are due no later than the published due date. One day after the filing deadline, our office will send to the non-filer a late notification. If the statement is still not filed, a second notification will be sent stating specific written notice of the filing requirement. Failure to file after the date stated in the second notice will result in fines from our office and referrals to the Fair Political Practices Commission.
4. The amount of time between notifications varies depending on the type of statement and election cycle. Please see Ordinance 3519 regarding Independent Expenditures.
5. Any request by our filing officer for correction or amendment of campaign statements must be resolved no later than the stated due date. Failure to respond accordingly may result in referrals to the Fair Political Practices Commission.

**COUNTY OF MARIN/ELECTIONS DEPARTMENT
FINES AND ENFORCEMENT POLICY FOR
PERSONAL FINANCIAL DISCLOSURE STATEMENTS**

Statement of Economic Interests

The Political Reform Act of 1974 requires government officials and employees to disclose certain personal financial holdings, gifts and payments. This is to assure the public that government officials at any level will not make, participate in making or in any way attempt to use his or her position to influence a governmental decision in which he or she has a financial interest.

The Political Reform Act provides that all Statement of Economic Interests filed late may be subject to fines. The following adopted policy is pursuant to Section 91013 of the Political Reform Act:

If any person files an original Statement of Economic Interests after the deadline imposed by the Political Reform Act, he or she shall, in addition to any other penalties or remedies, be liable in the amount of ten dollars (\$10) per day after the deadline up to the maximum of one hundred dollars (\$100). The filing officer need not enforce liability of fines if on an impartial basis he or she determines the late filing was not willful and the statement or report is filed before the waiver of liability period ends. No liability shall be waived if a statement is not filed within 30 days after a *specific written notice* is mailed to the filer.

Failure to pay any fines associated with the late filing of statement(s) will result in civil action. The filing officer may obtain a judgment in small claims, municipal, or superior court, depending on the jurisdictional amount.

Failure to file the required statement(s) will result in referrals to the Enforcement Division of the Fair Political Practices Commission.

The Elections Department office will not investigate statement inaccuracies or falsehoods. The parties pursuant to Section 91001 of the Political Reform Act, and any persons residing within the jurisdiction, may pursue civil actions or injunctions, depending on the nature of the violation.

Process

1. Candidates are required to file a Statement of Economic Interests Form 700 with our office when filing their candidacy papers. Failure to do so will result in referrals to the Fair Political Practices Commission.
2. Designated officials of the County, and districts within the County, are required to file the Form 700 every year, and are also required when necessary to file Assuming and Leaving Office Statements. Our office is required to send annual notifications to the representatives of the districts and departments for distribution to the officials.
3. All statements are due no later than the published due date. Our office will send to the non-filer a late notification. If the statement is still not filed, a second notification will be sent stating specific written notice of the filing requirement. Failure to file after the date stated in the second notice will result in fines from our office and referrals to the Fair Political Practices Commission.