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CAMPAIGN DISCLOSURE

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CAMPAIGN DISCLOSURE STATEMENTS

All candidates for state or local offices and all committees supporting or opposing state or local candidates or ballot measures are subject to the campaign disclosure provisions of the state Political Reform Act of 1974, which went into effect January 1975 (G.C. §81000, et seq.) They are required to file campaign disclosure statements. Deadlines for filing disclosure statements are listed below and listed in the Election Calendar. Failure to file in a timely manner may result in penalty fines and other civil actions. **The City of Monterey imposes a \$10 per day fine on late disclosure statements.** State Law does not grant the City Clerk discretion to waive this fine, so please be prompt!

The Fair Political Practices Commission (FPPC) has prepared an information manual, which is available at the City Clerk's Office. A candidate should obtain the manual as early as possible in his campaign and make certain that he, his committee treasurer, and other personnel involved in the financial side of his campaign are fully aware of their responsibilities under the law. Reporting forms (and manuals for candidates who have not already obtained them) will be routinely issued to all candidates during the nomination period. (Gov't. Code 81010, 83113). Copies of the manuals and forms are available from the City Clerk at no cost to the candidate and candidate's treasurer. Forms and manuals can also be downloaded from the FPPC's web site at <http://www.fppc.ca.gov/>

Please see the FPPC information manual page entitled, "Where must Statements be Filed". An original Form 501 must be filed with the City Clerk prior to soliciting funds. Originals of Form 410 must be filed with the Secretary of State and a copy filed promptly with the City Clerk. Originals of all other State disclosure statements are filed with the City Clerk. The Secretary of State does not receive copies of these forms.

All statements filed are a matter of public record. They may be inspected at the City Clerk's Office by anyone, and copies can be purchased at ten cents (\$0.10) per page (G.C. § 81008).

The law provides for a \$10 per day late filing penalty (up to a maximum liability of \$100 or the cumulative amount on the late statement, whichever is greater), for a statement filed after the prescribed deadline. A statement that is mailed is considered filed on the date of the postmark if it is sent by first-class mail. HOWEVER, the last pre-election Campaign Disclosure Report, in this case the October 23rd pre-election report, must be filed in person or mailed by guaranteed overnight delivery. (Gov't. Code 81007, 91013) State level candidates must file statements electronically if certain criteria is met. See page 36 for filing deadlines.

For certain offices the law provides for investigations and audits of campaign statements. Candidates and committee treasurers should keep complete records and be prepared to submit supporting documents if such are requested. The FPPC has prepared record-keeping guidelines for campaign committees, which are included in the manual available at the Elections Department. Violations of the campaign disclosure law may result in criminal prosecution by the state Attorney General or the county District Attorney; or civil action by the FPPC, the District Attorney, or a private citizen. (Gov't. Code 91000 et seq.)

Candidates and controlled committees and any committee formed primarily to support or oppose a candidate or measure and all other committees that have made or received contributions in connection with any upcoming election must file the two pre-election campaign disclosure reports. No monetary contribution nor any expenditure of \$100 or more may be made or received in cash.

Monetary contributions of \$100 or more must be made by a check or other instrument containing the names of both the payee and donor. (Gov't. Code 84300)

A candidate who does not anticipate spending or receiving \$1,000 in a calendar year may file Form 470 however should the candidate subsequently raise or spend \$1,000, the candidate must notify, within 48 hours, all other candidates for the same office, the local filing officer and Secretary of State. A long Form 460 shall also be filed to include all contributions/expenditures during all required and pre-election period(s).

Proposition 34: Nothing in Prop. 34 nullifies local contribution limits or prohibitions, but local limits may not conflict with Prop. 34 re: membership communications. (85703) **Prop. 34's contribution and spending limits apply only to state candidates**, not candidates in local jurisdictions.

However, other provisions apply to locals, including: return of contributions for which information is not on file (85700); membership communications (85312); amplified definition of independent expenditures (85500b and 85501); minor changes to surplus funds statute (89519); additional disclosure on late independent expenditure reports re: contributions received and expenditures made since the last report filed (84204b); additional slate mailer disclosure (84305.6); additional ballot measure advertisement disclosure re: paid spokespersons (84511) and top donors (Prop. 208 - 84501-84510); increase in administrative fines under the Act (91005.5); and disgorgement of laundered contributions (85701).