Core Responsibilities of a Filing Officer

California City Clerks' New Law and Elections Seminar

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Fair Political Practices Commission

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Today's Objectives

- Learn the role of a Filing Officer with the Political Reform Act
  - SEI Filing Officer duties
  - Campaign Filing Officer duties
  - Role of Filing Officer with upcoming election – Do's and Don'ts
- Understand core responsibilities related to SEI and Campaign Filings
  - Non-filer notices
  - Tracking filers/Tracking log
  - Enforcement referral
- Obtain potential solutions when challenges arise
  - PREP
  - Training opportunities
  - Resources

Role of a Filing Officer

Statement of Economic Interests & Campaign Filing Officer Duties

A Refresher on the Basics

SEI Filing Officer Duties

(Regulation 18115)

- Notify individuals of filing obligations
- Provide form or link to form
- Ensure that statements are timely filed
- Retain statements and maintain a tracking log
- Notify filers of due dates, errors, and late statements
- Review completed statements
- Forward appropriate statements to FPPC
- Provide public access
- Refer violations to FPPC Enforcement Division

Form 700 Retention

- Originals – 7 years
- Copies – 4 years*

  May retain longer but must still be available upon request
- After 2 years on file, statements may be put on a space-saving device and originals may be discarded

*Filing officers are not required to keep copies of statements filed through the FPPC's electronic filing system

Review of Form 700

Facial Review

Required for all statements maintained by the agency to ensure cover page is accurate.

Things to look out for…

- Type of statement/period covered
- Summary completed
- Schedules attached
- Original signature

Full Review

Required on:

- 20% of all timely filed statements – half being selected at random
- Statements that do not pass facial review
- 100% of late filed statements

What Statements are Forwarded to FPPC?

City Officials – 87200 Filers

Mayor and Council Members*

Chief Administrative Officer

City Manager

City Attorney

City Treasurer*

*Candidates for these offices must also file Candidate Form 700. These statements are also forwarded to the FPPC.

Please note that the Candidate Form 700 is due with the final declaration of candidacy date.

- Exception: Not required if incumbents file assuming or annual statement within 60 days before filing the declaration of candidacy.
  - For the upcoming March 5, 2024 Election, this exception likely will not apply to your incumbents (due to the 60 day period)

Forward Statements to FPPC

If your agency does not have an e-filing system

- Keep filer information current in FPPC's system so it automatically notifies filers
- Provide public access
- Forward statements signed with a verified digital signature via email to form700@fppc.ca.gov no later than 5 days after the filing deadline
- Forward statements filed with a "wet" signature via mail to FPPC no later than 5 days after the filing deadline

If your agency has an e-filing system

- Keep filer information current in your system so it automatically notifies filers
- Your e-filing system must allow electronic data exchange with FPPC's filing system
- Update FPPC's e-filing system regularly with any filer information changes
- Provide public access

Form 700 Public Access

- All Form 700's are public documents
- Must be available during regular business hours no later than the second business day after receipt
- No conditions on persons seeking access
- No information or identification required
- May not charge more than 10 cents per page for copies (may charge a $5 retrieval fee for statements five or more years old
- Must provide an un-redacted copy if requested

Your Responsibilities as a Filing Officer – Form 700

DO's

- Supply Form 700
- Notify file of due dates
- Accept and review completed statements
- Notify filer of errors and request amendments
- Provide contact information for technical help for e-fling systems

DON'T's

- Provide detailed information on how to complete the form
- Provide answers to gift and travel payment questions
- Investigate the truthfulness of the form

Campaign Officer Duties

(Regulation 18110)

- Supply forms
- Receive and maintain statements
- Notify filers of due dates, errors, and late statements
- Review completed statements
- Retain Statements
- Provide public access
- Notify non-filers
- Refer violations to FPPC Enforcement Division

Committees Chart

Committee type	Threshold (includes personal funds)	Registration forms	Campaign Reports	24-Hour Contribution Reports	Independent Expenditure Reports	Manuals
Candidate	Less than $2000	501	470	NA	496 and 462*	1 or 2
Candidate (recipient)	$2000 or more	501 and 410	460	497	496 and 462*	1 or 2
Ballot Measure (recipient)	$2000	410	460 or 450 or 425	497	496 and 462*	3
General Purpose (recipient)	$2000	410	460 or 450 or 425	497	496 and 462*	4
Primarily Formed (recipient)	$2000	410	460 or 450 or 425	497	496 and 462*	1, 2, or 3
Major Donor (non-recipient)	$10,000	NA	461	497	496 and 462*	5
Independent Expenditure (non-recipient)	$1000	NA	461	497	496 and 462*	6

Campaign Statement – Statement Log

- A tool to determine if statements have been filed
    - Helpful to determine whether any statements are missing, and
    - To track notices to late filers
- Select what format works best for you
    - Some electronic filing systems have this for you!
- Must be available to the public

Campaign Statement Retention

- Indefinitely – Mayors, City Councilmembers
- 7 years – All “original” campaign statements and committees (i.e., ballot measure committees, special districts such as water district)
- 5 years – Original campaign statements for defeated non-incumbent candidates
- 4 years – All “copies” of campaign statements (i.e., Form 410)
- 10 years – All electronically filed campaign statements

After 2 Years…
May retain on a space-saving device and discard paper. Must still comply with the public access rules and be prepared to provide copies.

Public Access

- Second business day
- No conditions
- Copies – 10 cents per page
- No redaction on copies provided to the public

Web Posting

When campaign statements are posted to the website, the following information must be redacted on statements before posting*:

- Street name
- Building number of persons or entity representatives listed on any statement, and
- Bank account number

*Reminder that this statement is still considered a public document and must be produced unredacted upon request.

Your Responsibilities as a Filing Officer – Campaign

DO's

- Supply forms
- Receive, maintain, and review statements
- Request amendments
- Help filers access electronic filing system
- Provide copies of statements when requested
- Notify non-filers
- Refer to FPPC Enforcement Division

DON'T's

- Investigate whether a committee or candidate has an obligation to file a campaign statement
- Seek or obtain information to verify entries on a campaign statement
- Investigate the accuracy of campaign statements

Role of Filing Officer – Section 84308 (Levine Act)

Section 84308 prohibits certain officials, including local elected officials, from taking part in an entitlement for use proceeding if the official has received a contribution exceeding $250 from a party or participant in the proceeding within the preceding 12 months.

Under Section 84308 (Levine Act), also known as the Act's "pay-to-play" restrictions, there is no statutory requirement that filing officers notify officers, parties, or agents of their potential need to recuse themselves from participating in a proceeding.

- If an officer has questions on the Act's Section 84308 (Levine Act) rules…
  - Point them to resources on FPPC website, such as our Pay-to-Play page
  - Encourage them to write in to email advice at advice@fppc.ca.gov

Role of Filing Officer – Upcoming Election

- If a complaint is filed against one of your filers…
  - **DO –** cooperate with Enforcement and provide copies of statements if requested
  - **DO NOT –** give advice to the filer on what to do to resolve the complaint
    - Have the filer contact the Enforcement Division and a consultant will help them.

- If a filer has questions on the Act's advertisement disclaimer rules…
  - Point them to resources on the FPPC website, such as our Advertisement Disclosure Charts
  - Tell them to call/email the FPPC advice services with their questions

Role of Filing Officer – Upcoming Election

- If a filer wishes to file a complaint against someone's advertisement…
  - **DO** – point them to the FPPC website to file a complaint or make an AdWatch submission
  - **DO NOT –** investigate the truthfulness or accuracy of the advertisement

Please note that some advertisement complaints are outside of the FPPC's jurisdiction, such as:

- Vandalism of campaign signs
- Placement of campaign signs
- Timing of campaign signs

The FPPC AdWatch page is a great resource for information on Advertisements and what is in the FPPC's jurisdiction!

Filing Officer Core Responsibilities

Related to Statement of Economic Interests & Campaign Statements

SEI Due Dates & Notification Guidelines

Annual Statement

DATE DUE – APRIL 1*

*If the deadline falls on a weekend or holiday, the deadline is extended to the next business day.

The **2023 Annual SEI is due on April 2, 2024** (due to the State of CA's observation of Cesar Chavez Day).

Assuming Office Statement

DATE DUE – 30 DAYS

Due within 30 days of assuming/starting the position.

Leaving Office Statement

DATE DUE – 30 DAYS

Due within 30 days of leaving the position.

Annual SEI Notification Guidelines

Pre-Filing Notification

- Notify at least 30 days prior to annual deadline
- Notify by email, mail or in person
- Provide disclosure categories to code filers
- Email notifications should link the Form 700, Reference Pamphlet, FAQs, and gift fact sheets on the FPPC website

Non-Filer Notification

For statements maintained by your agency:

- Non-filers must be referred to FPPC's Enforcement Division
- Refer after sending at least two written notifications
- Make referral with 30 or 45* days after the second notification is sent

*Agencies with 50 or fewer filers use the lesser number of days.

Recommended Timelines for SEI Notifications

Small Agencies with 50 Filers or Less

Annual Notice	First Non-Filer Notice	Second Non-Filer Notice	Enforcement Referral
March 1 or earlier	Within 30 days after the annual deadline (May 1 or earlier)	Within 30 days after first non-filer notice is sent (June 1 or earlier)	Within 30 days after second non-filer notice is sent (July 1 or earlier)

Large Agencies with More than 50 Filers

Annual Notice	First Non-Filer Notice	Second Non-Filer Notice	Enforcement Referral
March 1 or earlier	Within 120 days after the annual deadline (Aug 1 or earlier)	Within 60 days after first non-filer notice is sent (Oct 1 or earlier)	Within 45 days after second non-filer notice is sent (Nov 15 or earlier)

Assuming and Leaving Office Statements

Leaving Office SEI

- Work with filing officials to receive leaving office date timely to send notice to filer
- Remember – due within 30 days of leaving the position. Important to provide notice timely to filer!
- Helpful to include as a part of the offboarding process
    - If email notices are sent, be sure they are going to an email address the filer has access to (i.e., if only going to work email address, the filer may not receive notice)

Assuming Office SEI

- Work with filing officials to receive assuming office date timely to send notice to filer
- Remember – due within 30 days of assuming the position. Important to provide notice timely to filer!
- Helpful to include it as a part of the onboarding packet

SEI Non-Filer Notification Guidelines

For statements maintained by your agency…

- Send first written notification to annual non-filers within 30 or 120* days after the deadline
- Send a second notification within 30 or 60* days after the date of the first non-filer notification
- Filing Officers may wish to send a third notice once the referral has been made to Enforcement that includes the FPPC complaint number

**Agencies with 50 or fewer filers use the lesser number of days*

SEI Enforcement Referral

Required Information

- Filer's name and position held
- Current contact information
- Information regarding the Filing Officer's attempts to gain compliance, including the address(es) where at least two written notifications were sent
- Date and phone number where at least one phone call was made to attempt to gain compliance
- Filing methods available or required for your jurisdiction (i.e., electronic and/or paper)

Required Documentation

- Copies of at least two written notices sent to filer re delinquent statement
- Copy of applicable Conflict of Interest Code
- Copy of most recently filed SEI (if one)

Reminder: Referrals must be submitted through the FPPC's Electronic Complaint System

Quick Review – Campaign Forms Received

- Form 501 – Candidate Intention Statement
- Form 460 – Campaign Statement Recipient Committee
- Form 470 – Candidate/Officeholder Campaign Statement Short Form
- Form 497 – 24/Hour Contribution Report
- Form 496 – 24/Hour Independent Expenditure Report
- Form 461 – Major Donor Report

Quick Tips!

- Form 501 –
  - Filed for every election, including re-election to the same office
  - Exception: do not need to file Form 501 for the connected general election, if filed for the connected primary election (of same office)
- Filing Officers will receive a copy of the Form 410 filed with SOS.
  - Filers should not file original with the city

Multiple Committee Filing Requirements

City Council Person

Runs For

County Supervisor

Files campaign statements for both offices with City Clerk and County Clerk/ROV

Multiple Committee Filing Requirements

City Council Person → Runs For → State Assembly

Files statements for both offices with city and SOS

If state committee files electronically with SOS, city committee must also file electronically with SOS and no Assembly filing required with the city

Filing Schedules

- The filing schedule will tell the candidate or committee what they need to file and by what date
- If the FPPC's website does not have a filing schedule for your specific election date, you can request one be made
- Provide copy of filing schedule to candidate/committee, use it to send filing notifications

Filing Schedule for
Candidates and their Controlled Committees for Local Office
Listed on the March 5, 2024 Ballot

Deadline	*Period*	*Form*	*Notes*
Jan 31, 2024** *Semi-Annual*	* – 12/31/23	460	• All committees must file this statement. • May be filed on January 25, 2024.
Within 24 Hours *Election Cycle Reports*	12/6/23 – 3/5/24	497	• File if a contribution of $1,000 or more in the aggregate is received from a single source. • File if a contribution of $1,000 or more in the aggregate is made to or in connection with *another* candidate or measure being voted on the March 5, 2024, ballot. • The recipient of a non-monetary contribution of $1,000 or more in the aggregate must file a Form 497 within 48 hours from the time the contribution is received. • File by personal delivery, e-mail, guaranteed overnight service, or fax. The committee may also file online, if available.
Jan 25, 2024 *1st Pre-Election*	1/1/24 – 1/20/24	460 or 470	• Each candidate listed on the ballot must file Form 460 or Form 470 (see below).
Feb 22, 2024 *2nd Pre-Election*	1/21/24 – 2/17/24	460	• All committees must file this statement. • File by personal delivery or guaranteed overnight service. The committee may also file online, if available.
July 31, 2024 *Semi-Annual*	2/18/24 – 6/30/24	460	• All committees must file Form 460 unless the committee filed termination Forms 410 and 460 before June 30, 2024.

Campaign After the Election

	Successful CANDIDATES	Defeated CANDIDATES	BALLOT MEASURE COMMITTEES	GENERAL PURPOSE COMMITTEES
460 Filers	Semi-annual until committee terminates	Semi-annual until committee terminates	Semi-annual until committee terminates, and possibly quarterly	Semi-annual until committee terminates, and others during election years
470 Filers	File by July 31 each year if public salary is $200 or more/ month	No more filings	NA	NA

- Check filing schedules for potential due dates
- Form 460s must continue to file campaign statements until they terminate the committee
    - Even if lost the election
- Committees may terminate once all refunds have been received and all balances zeroed out.

Campaign Non-Filer Notification Guidelines

- Filing Officers are required to send at least two non-filer notices prior to making an Enforcement referral

- Recommend having set timeframes as to when you will make the Enforcement referral
  - For pre-election statements, we recommend shorter timeframes, such as 5 days

- If fining, develop written guidelines, and follow:
  - $10 per day after the filing deadline until the statement is filed
  - Limited to the cumulative amount of contributions received or expenditures made for the period covered by the late statement or $100, whichever is greater

Campaign Enforcement Referral

Required Information

- Committee's name and ID number
- Current contact information of candidate (if there is one) and treasurer
- Information regarding the Filing Officer's attempts to gain compliance, including the address(es) where at least two written notifications were sent
- Date and phone number where at least one phone call was made to attempt to gain compliance
- Filing methods available or required for your jurisdiction (i.e., electronic and/or paper)

Required Documentation

- Copies of at least two written notices sent to filer re delinquent statement
- Copy of most recently filed campaign statement (if one)

Reminder: Referrals must be submitted through the FPPC's Electronic Complaint System

Potential Solutions

When Challenges Arise
& Resources Available to Clerks

Political Reform Education Program (PREP)

The Political Reform Education Program (PREP) is a new educational program created by the Commission.

The purpose of PREP is to allow for the education of Respondents who have little or no experience with the Act and commit minor violations, in lieu of monetary penalties.

What are the benefits of PREP?

- Similar to traffic school, PREP allows Respondents to learn how to comply with the law while avoiding a monetary penalty and a mark on their record
- Respondents who successfully complete PREP will have their Enforcement case closed with a No Action Closure Letter
- Completion of PREP will not be considered a prior record of violations of the Act when considering a future violation committed by the Respondent

Who Qualifies for the PREP Program?

- Violations committed by the Respondent appear to be the result of low level of experience and sophistication of the party
- Violations committed by the Respondent resulted in minimal public harm
- The Respondent has not paid a penalty to the Commission for the same type of violation occurring within the last five years. Respondents who received a Warning Letter for the same type of violation occurring within the last five years may still qualify for PREP.

These are general requirements for eligibility – certain courses may have other eligibility requirements in association with Regulation 18360.1.

PREP – Current & Upcoming Courses

Statement of Economic Interests Course

AVAILABLE NOW!

Campaign Course for Local Candidates and Committees

COMING SOON!

Campaign Course for State Candidates and Committees

COMING SOON!

- Available at no cost (free!) till December 31, 2023.
- Per Senate Bill 29 (Glazer), the Commission will start charging a fee to Respondents who participate in PREP starting January 1, 2024. The fee will be payable to the General Fund.
- Starting January 1, 2024, liability shall not be enforced by the filing officer if the person who filed the late statement or report completes PREP pursuant to Section 83116.7 for that late filing violation.

Upcoming Training Opportunities

If filers come to you with questions about their filing obligations, encourage them to sign up for one of our educational webinars!

The webinars are free and open to the public.

Topics typically include:

- Candidate/Treasurer
- General Purpose Committee
- SEI Filers
- Filing Officer trainings as well!

Your jurisdiction can also request training from the FPPC!

- We offer both live in-person workshops and remote webinars
- We can make training specific to your jurisdiction
- As we all gear up for the upcoming elections, please consider reaching out to us for training opportunities!

Section 84308 (Levine Act) Training Opportunities

- In November 2023, FPPC hosted its first Section 84308 (Levine Act) “Pay-to-Play” Rules webinar.
- Next one offered is on December 19, 2023! Please register soon as spots fill up!
- This webinar be an overview of Section 84308 rules, provisions, and requirements applicable to officers, parties, agents, and participants.
- It also covers the advice process, resources and guides that are helpful to officers and parties with questions on the application of Section 84308.

Register for the December 19, 2023 webinar here!

Resources Available to Clerks

Guidance for Filing Officers

Filing officers play an important role in helping to ensure provisions of the Political Reform Act are effectively and efficiently administered. To achieve this goal, the officers are required to perform specified duties under the Act, including providing public access to disclosure statements, following up on those who fail to file, and reviewing filed statements for errors and omissions. The duties are listed in Regulation 18110 for processing campaign statements and Regulation 18115 for processing Statements of Economic Interests (Form 700).

Click on the links below for information about some of the more common filing officer duties. For additional assistance, the FPPC provides several training options for filing officers, including workshops at the FPPC, webinars, online videos, and in-person seminars at your agency. To learn more and pick the training option that best meets your needs, click on the FPPC Training and Outreach link below.

Resources for Filing Officers...

- Campaign Filing Officer Duties
- Form 700 Filing Officer Duties
- Form 700 Electronic Filing Certification for an Agency's Internal Filers
- FPPC Training & Outreach
- Ask FPPC for Advice

- Campaign Filing Officer Duties Resources
- Form 700 Filing Officer Duties Resources
- www.fppc.ca.gov → Learn → Guidance for Filing Officers

Enforcement Referral Checklists

CAMPAIGN NON-FILER REFERRAL CHECKLIST

REQUIRED INFORMATION

- ☐ Committee name, ID number, and (if a candidate-controlled committee): candidate's name and office sought or held.
- ☐ Committee treasurer's name.
- ☐ Current contact information (address, phone number(s), e-mail address) for the committee, candidate, and treasurer.
- ☐ Information regarding the Filing Officer's attempts to gain compliance, including the address(es) – e-mail and/or mailing – where the written notifications were sent.
- ☐ Date and phone number where at least one phone call was made to attempt to gain compliance.
- ☐ Filing methods available or required for your jurisdiction (i.e., electronic and/or paper).

REQUIRED DOCUMENTATION

- ☐ Copies of at least two written notifications sent to the Committee regarding their delinquent campaign statement(s).
- ☐ Copy of most recently filed campaign statement (entire statement), if one.

REMINDERS

- ☐ Referrals must be submitted through the FPPC's Electronic Complaint System.

  For information not specifically required in a field of the Electronic Complaint System, please add it and any other pertinent information to the "Complaint Comments" section.
- ☐ If the missing statement(s) is filed after you referred the filer to Enforcement, please send a copy of the statement(s) to complaint@fppc.ca.gov within 7 days of receipt.
- ☐ You will be notified when the matter is resolved.

STATEMENTS OF ECONOMIC INTERESTS (FORM 700) NON-FILER REFERRAL CHECKLIST

REQUIRED INFORMATION

- ☐ Individual's name and position held (or, if the individual left office, position previously held).
- ☐ Current contact information (address, phone number(s), e-mail address) for the individual referred.
- ☐ Information regarding the Filing Officer's attempts to gain compliance, including the address(es) – e-mail and/or mailing – where at least two written notifications were sent. If the individual has left their position, notifications should be sent to a personal e-mail and/or mailing address. Before the referral is made, the Filing Officer should make best efforts to obtain personal contact information for the individual.
- ☐ Date and phone number where at least one phone call was made to attempt to gain compliance.
- ☐ Filing methods available or required for your jurisdiction (i.e., electronic and/or paper).

REQUIRED DOCUMENTATION

- ☐ Copies of at least two written notifications sent to the individual regarding their delinquent statement(s).
- ☐ Copy of most recently filed Form 700, if one.
- ☐ Copy of the applicable Conflict of Interest Code.

REMINDERS

- ☐ Referrals must be submitted through the FPPC's Electronic Complaint System.

  For information not specifically required in a field of the Electronic Complaint System, please add it and any other pertinent information to the "Complaint Comments" section, including if an individual is out on medical or other leave and their expected return to work date.
- ☐ If the missing statement(s) is filed after you referred the individual to Enforcement, please send a copy of the statement(s) to complaint@fppc.ca.gov within 7 days of receipt.
- ☐ You will be notified when the matter is resolved.

FPPC Advice Functions

- Public with questions on the Act and its requirements – direct them to our advice line
- 1-866-275-3772
- Mon – Thurs, 9 am – 11:30 am and extended hours for filing deadlines!

- Public with questions on the Act and its requirements can also email advice@fppc.ca.gov 24/7 anytime!
- Public wishing to file a complaint, tell them to email complaint@fppc.ca.gov

- For more specific questions on the Act's interpretation with Section 84308 or conflicts of interest, write in for formal advice

That's All Folks!

Thank you for attending!