

Memorandum

To : File No. M-87-218

Date : August 11, 1987

From : FAIR POLITICAL PRACTICES COMMISSION
Kathy Donovan

Subject : SEI Filing - Chief Deputy Treasurer

The Treasurer's Office has contacted Alice Hughes concerning the SEI filing responsibilities of the Chief Deputy Treasurer.

Due to Jesse Unruh's death, there is a vacancy in the office of Treasurer. The Governor will fill the vacancy by appointment; however, the Chief Deputy Treasurer serves as the "acting" Treasurer in the interim. (Government Code Section 1775, copy attached.) The question is whether the Chief Deputy Treasurer (a Form 730 filer) has any additional SEI filing duties while serving as "acting" Treasurer. Specifically, is the chief deputy required to file a Form 721, as would be required of the Treasurer?

I concluded that the chief deputy is not required to file the Form 721. My conclusion is based on Section 1775, which provides that the chief deputy shall discharge the duties of Treasurer after the vacancy in the Treasurer's office has occurred and prior to the time such vacancy is filled. Section 1775 indicates that the office of Treasurer remains vacant until filled by the Governor. Accordingly, the chief deputy is not considered to hold the position of Treasurer during the period that the office is vacant. Therefore, the chief deputy has no additional SEI filing duties as a result of the vacancy.

Enclosure

KED:jaj

cc: Diane Griffiths
Jeanne Pritchard
Alice Hughes

§ 1775. Superintendent of public instruction; lieutenant governor; secretary of state; controller; treasurer; attorney general; state board of equalization

Whenever there is a vacancy in the office of the Superintendent of Public Instruction, the Lieutenant Governor, Secretary of State, Controller, Treasurer, or Attorney General, or on the State Board of Equalization, the Governor shall nominate a person to fill the vacancy who shall take office upon confirmation by a majority of the membership of the Senate and a majority of the membership of the Assembly and who shall hold office for the balance of the unexpired term. In the event the nominee is neither confirmed nor refused confirmation by both the Senate and the Assembly within 90 days of the submission of the nomination, the nominee shall take office as if he or she had been confirmed by a majority of the Senate and Assembly; provided, that if such 90-day period ends during a recess of the

Legislature, the period shall be extended until the sixth day following the day on which the Legislature reconvenes.

After a vacancy has occurred in an office specified in this section and prior to the time such vacancy is filled as provided in this section, the chief deputy to the above constitutional officers shall discharge the duties of the office.

(Stats.1943, c. 134, p. 971, § 1775. Amended by Stats.1977, c. 96, p. 517, § 1.)