



California Fair Political Practices Commission

April 12, 1988

Laurie Cassady
Assistant Registrar of Voters
Butte County Elections Department
25 County Center Drive
Oroville, CA 95965

Re: Your Request for Advice
Our File No. A-88-106

Dear Ms. Cassady:

I have received your letter requesting advice on the disclosure provisions of the Political Reform Act 1/.

QUESTION

May members of the Butte County Local Agency Formation Commission and members of the Butte County Association of Governments file oath forms in lieu of their annual statements of economic interests.

CONCLUSION

A designated employee must file a signed and verified statement of economic interests each time a statement of economic interests is required by his or her agency's conflict of interest code. A designated employee may, however, file a copy with an original signed verification, rather than preparing a new original statement.

FACTS

You are the assistant registrar of voters for Butte County and as such are the filing officer for statements of economic interests for the county's designated employees.

1/ Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, *et seq.* All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

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You have indicated to me by phone that some members of the local agency formation commission and the association of governments are filing an oath in lieu of filing a completed statement of economic interests. I advised you at that time that such a filing was not appropriate and you should require those designated employees to file completed statements of economic interests. At my request, you sent me a sample of the in lieu form and have asked for written advice concerning its use.

The annual statement oath form, which you furnished, declares under penalty of perjury that the employee has no further interests made reportable under the conflict of interest code for that particular agency other than those interests set forth in the attached copy of the most recent statement of economic interests filed with the Fair Political Practices Commission. In your letter you stated that some members are filing the annual oath without attaching the most recently filed statement of economic interests.

Mr. Bill Turpin of the county's planning department contacted me shortly after our telephone conversation and indicated that the annual oath form has been used by the county for a number of years and that he had received prior approval from the Commission to use such a form. He indicated further that it has been his understanding that the form is to be attached to the designated employee's completed statement of economic interests. There is no record in our advice files that such advice was ever given.

DISCUSSION

Every government agency must adopt a conflict of interest code which specifically enumerates the positions within the agency which involve the making or participation in the making of decisions which may have an effect on any financial interest. (Section 87300.) The law further requires that persons holding such designated positions shall file statements disclosing those investments, business positions, interests in real property and income which the designated employees can affect in their decision-making capacities. (Sections 87300-87313.)

The financial disclosure forms (statements of economic interests) must be signed under penalty of perjury and verified by the filer. The verification states that the filer has used all reasonable diligence in preparation of the statement, and to the best of his or her knowledge, it is true and complete.

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(Section 81004.) The statements must be on forms prescribed by the Commission. (Section 83113(a).)^{2/}

The Commission does allow designated employees who are required to file statements under any other agency's code, or under Article 2 for a different jurisdiction, to expand their statements to cover reportable interests in both jurisdictions. These officials may file copies of the expanded statement in both jurisdictions in lieu of filing separate and distinct original statements. Each expanded statement must be signed and verified by the designated employee as if it were an original. (Regulation 18730(b)(3).)

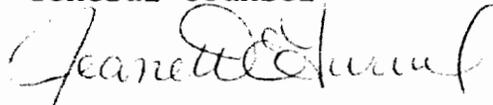
The Commission does not require designated employees who file expanded statements to also attach an oath under penalty of perjury. The signed verification in the statement is made under penalty of perjury. Those designated employees who have filed signed and verified statements of economic interests have been attaching the oath to the statements unnecessarily. Designated employees may not, however, file the oath in lieu of signed and verified statements of economic interests.

I trust this letter has adequately explained the law's requirements. Your county should appreciate the conscientious effort you are making to ensure that its public officials are complying with the disclosure provisions of the Political Reform Act.

If I can be of any further assistance, please feel free to call me at (916) 322-5901.

Sincerely,

Diane Griffiths
General Counsel



By: Jeanette Turvill
Legal Assistant
Legal Division

DMG:JET:plh
Enclosure
cc: Bill Turpin
Butte County Planning Department

^{2/} See enclosed copies of our correspondence with Los Angeles County on this subject.

BUTTE COUNTY ELECTIONS DEPARTMENT
25 COUNTY CENTER DRIVE, OROVILLE, CA 95965
916/538-7762
* * *

MAR 14 8 14 AM '88

MARCH 9, 1988

JEANETTE TURVILL
LEGAL ASSISTANT, LEGAL DIVISION
FAIR POLITICAL PRACTICES COMMISSION
P O BOX 807
SACRAMENTO, CA 95804-0807

DEAR JEANETTE:

PER OUR PHONE CONVERSATION REGARDING THE ATTACHED ANNUAL STATEMENT OATH FORM THAT THE PLANNING DEPARTMENT DEVELOPED ABOUT 4 YEARS AGO FOR LOCAL AGENCY FORMATION COMMISSION MEMBERS AND BUTTE COUNTY ASSOCIATION OF GOVERNMENT MEMBERS, I NEED AN OPINION FROM YOUR OFFICE IF THIS TYPE OF DOCUMENT CAN BE USED.

SOME MEMBERS ARE FILING THIS DOCUMENT WITHOUT COPY OF "MOST RECENT STATEMENT OF ECONOMIC INTEREST" AND SOME MEMBERS ARE ATTACHING "MOST RECENT STATEMENT OF ECONOMIC INTEREST".

I ASKED BILL TURPIN OF THE PLANNING DEPARTMENT TO SHOW JUSTIFICATION OF FAIR POLITICAL PRACTICES COMMISSION ALLOWING SUCH DOCUMENT TO BE USED. HE ASSURED ME AGAIN, THAT THE FAIR POLITICAL PRACTICES COMMISSION ALLOWED THIS DOCUMENT TO BE USED. I HAVE NOT HEARD FROM HIM, REGARDING THE JUSTIFICATION.

THE APRIL 1ST DEADLINE FOR FILING ANNUAL STATEMENTS IS COMING UP. WHAT AM I TO DO WITH FILING REQUIREMENTS??????????????

PLEASE CALL ME IF YOU NEED FURTHER INFORMATION.

YOURS VERY TRULY,


LAURIE CASSADY
ASST. REGISTRAR OF VOTERS

CC: BILL TURPIN, BUTTE COUNTY PLANNING DEPT.
7 COUNTY CENTER DRIVE, OROVILLE, CA 95965

ANNUAL STATEMENT

I declare under penalty of perjury that I have no further interests which are made reportable by the Conflict of Interest Code of the Butte County Association of Governments than those interests, if any, set forth in the attached copy of my most recent Statement of Economic Interests filed with the Fair Political Practices Commission.

Executed on Feb. 24, 1988, 1988, at Oroville, CA.

Signature



28-106

BUTTE COUNTY ELECTIONS DEPARTMENT P P
25 COUNTY CENTER DRIVE, OROVILLE, CA 95965
916/538-7762
* * *
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MARCH 9, 1988

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LEGAL ASSISTANT, LEGAL DIVISION
FAIR POLITICAL PRACTICES COMMISSION
P O BOX 807
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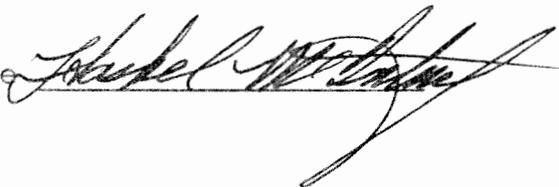
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Executed on Feb. 24, 1988, 1988, at Oroville, CA.

Signature





California Fair Political Practices Commission

March 16, 1988

Laurie Cassady
Registrar of Voters
Butte County Elections Department
25 County Center Drive
Oroville, CA 95965

Re: 88-106

Dear Ms. Cassady:

Your letter requesting advice under the Political Reform Act was received on March 14, 1988 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Jeanette Turvill, in the Legal Division, directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If more information is needed, we will contact you shortly to advise you as to the information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Code of Regs. Sec. 18329).)

You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Diane M. Griffiths".

Diane M. Griffiths
General Counsel

DMG:plh