



# California Fair Political Practices Commission

May 9, 1988

Linda D. Hamilton  
Secretary/Deputy County Clerk  
Superior Court/County Clerk  
County of San Bernardino  
351 No. Arrowhead Ave., Fifth Floor  
San Bernardino, CA 92415-0210

Re: Your Request for Advice  
Our File No. A-88-141

Dear Ms. Hamilton:

This is in response to your letter requesting advice regarding the filing of statements of economic interest by nonincumbent judicial candidates pursuant to the provisions of the Political Reform Act (the "Act").<sup>1/</sup>

## QUESTION

Where are nonincumbent candidates for the office of judge required to file their statements of economic interest?

## CONCLUSION

Nonincumbent candidates for the office of judge should file their statements of economic interest with the clerk of the court. The clerk shall make and retain a copy and forward the original to the Commission, which shall be the filing officer.

## ANALYSIS

The Act requires that persons who hold public office, and candidates for such offices, file statements of economic interests (SEIs) disclosing investments and interests in real property. (Sections 87200 and 87201.) The office of judge is specifically covered by these provisions of the Act.

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<sup>1/</sup> 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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Section 87500 et seq. sets forth where these documents are to be filed. Section 87500(i) directs judges to file their statements with the clerk of court, who is then required to forward the original to the Commission and retain a copy. However, the language of this provision does not include candidates for the office of judge. Thus, while it is clear that nonincumbent judicial candidates must file SEIs, it is not clear where they must be filed.

Section 87500(m) applies to persons not otherwise provided for in Section 87500, but relates to individuals identified in conflict of interest codes as designated employees with reporting obligations. It simply requires compliance with the provisions of the agency's conflict of interest code. Clearly, candidates for judicial office were not intended to be included in this provision of the law.

We can only conclude that the absence of clear language regarding the filing of SEIs for judicial candidates is an oversight in the law which must be remedied through legislation. I have alerted our legislative coordinator to this problem and have been assured that clarifying legislation will be introduced as soon as is practicable.

In the meantime, we recommend that you follow the same requirements for candidates for judicial office as is currently required for judges. (Section 87500(i).) This will allow the general public to most easily review documents of individuals competing for the same office, and is consistent with the filing requirements for other publicly elected officials.

Thank you for bringing this to our attention. If you have any questions, please call me at (916) 322-5901.

Sincerely,

Diane M. Griffiths  
General Counsel

  
By: Lilly Spitz  
Counsel, Legal Division

DMG:LS:plh

# SUPERIOR COURT/COUNTY CLERK

COUNTY OF SAN BERNARDINO



- 351 No. Arrowhead Ave., Fifth Floor, San Bernardino, CA 92415-0210 • (714) 387-3921
- West District, 8303 Haven Avenue, Rancho Cucamonga, CA 91730 • (714) 945-4136
- Desert District, 14455 Civic Drive, Victorville, CA 92392 • (619) 243-8670
- North Desert District, 235 E. Mountain View Avenue, Barstow, CA 92311 • (619) 256-4816

APR 6 1988

April 6, 1988

Mr. Bruce Robeck  
Fair Political Practices Commission  
P. O. Box 807  
Sacramento, CA 95804

Dear Mr. Robeck:

Pursuant to our telephone conversation of April 1, 1988, we are requesting a Letter of Interpretation for guidelines as to where Candidate Statements' Forms 721's are to be filed in San Bernardino County.

The Registrar receives all other campaign/election documents but feels that the Forms 721's are to be filed with the County Clerk's Office. Enclosed is a copy of a transmittal memo from the Registrar of Voters to the Technical Assistance and Analysis Division on this subject.

The County Clerk's Office receives Forms 721 for the Superior Court Judges, Commissioners, CAO, County Counsel, District Attorney, Board of Supervisors and Planning Commissioners. After a review of our records for the past 3 years, we found no record of Candidate Statements being received or filed in our office.

Therefore, a Letter of Interpretation is requested at this time.

If you require further information, please contact me at (714) 387-3970.

Sincerely,

*Linda D. Hamilton*

Linda D. Hamilton  
Secretary/Deputy County Clerk

cc:Audrey Butler, Deputy Registrar

# REGISTRAR OF VOTERS

777 East Rialto Avenue • San Bernardino, CA 92415-0770 • (714) 387-8300



COUNTY OF SAN BERNARDINO  
GENERAL SERVICES AGENCY

GERANE B. JACOBSEN  
Registrar of Voters  
F. P. HESTON  
Assistant Registrar of Voters

March 28, 1988

TO: Technical Assistance and Analysis Division

FROM: REGISTRAR OF VOTERS, SAN BERNARDINO COUNTY  
Audrey Butler, Deputy Registrar *Audrey Butler*

RE: Candidates' Statements of Economic Interests (Form 721)

Confirming my telephone call with your office on March 14, and your reply that information would be forthcoming in about a week with your Memo on the handling of Form 721s. Your memo was received on March 21 and we are forwarding 34 copies of Candidates' Form 721.

Your information that documents be date stamped was received after the fact; also, inasmuch as the County Clerk is the filing officer, we are also sending a copy there to be filed.

Please call A. Butler, 714/387-2082, if you have any questions or if we can be of further service.

AB:mem

34 Enclosures: Forms 721

cc: Martin J. Moshier  
County Clerk



# California Fair Political Practices Commission

April 21, 1988

Linda D. Hamilton  
Secretary/Deputy County Clerk  
351 No. Arrowhead Ave., Fifth Floor  
San Bernardino, CA 92415-0210

Re: File No. 88-141

Dear Ms. Hamilton:

Your letter received by the Fair Political Practices Commission on April 8, 1988, has been reassigned to Lilly Spitz an attorney in the Legal Division.

Sincerely,

*Diane M. Griffiths*  
Diane M. Griffiths  
General Counsel

DMG:plh

MEMO

April 20, 1988

TO: Diane  
FROM: Bruce *Bruce*  
THRU: Jeanne *Jeanne*  
RE: Hamilton letter (I-88-141)

I am returning the attached letter from Linda Hamilton because I believe that the issue raised in the letter should be addressed by Legal rather than by TA&A. Briefly, the problem is that there is no statutory basis for making an interpretation of the filing officer's responsibility for statements of economic interest filed by candidates for judicial office.

Every candidate for an office enumerated in Section 87200 is required to file a statement of economic interests. (Section 87201.) However, unlike the provisions for other offices, no mention is made of where candidates for judicial office should file their statements of economic interests. (Incumbents are noted at 87500(i).)

The issues are:

1. Is the county clerk or the clerk of the court the officer who receives statements of economic interest for nonincumbent candidates for judicial office?
2. Is the filing official required to make and retain for public access a copy of the judicial candidates' statements of economic interest?

*P-  
Reassign to  
LS. Thanks  
D.*

