FPPC Forms: Your Rights to Access

The following slides provide a brief summary of the public inspection rules for FPPC forms. Refer to the Political Reform Act for legal guidance.
What Are Your Rights?

Government Code Section 81008 states:

All FPPC forms are public documents.

No conditions may be placed on persons seeking access to public forms. An agency can not require a completed request form before reviewing statements.

No information or identification may be required from persons seeking access. An agency may not require to see a drivers license or other document.

Reproduction fees of no more than 10 cents per page may be charged. A $5 retrieval fee for statements five or more years old may be assessed.

FPPC forms are subject to the Political Reform Act, not the Public Records Act. Agencies must produce most forms during regular business hours, not within 10 days.

Other agency documents (e.g., legal case files) are subject to the Public Records Act.
What are the FPPC Forms?

FPPC forms are organized into five subject matters:

Campaign: Candidates, ballot measure committees, PACs, slate mailer organizations, and even individuals and businesses are required to disclose the money raised and spent in elections.

Personal Interests: Public officials are required to disclose their assets, income and gifts on the Form 700.

Behested Payments: State and local elected officials must report payments of $5,000 or more made at their behest for a legislative, governmental, or charitable purpose.

Agency Reports: State and local government agencies must report gifts, tickets, and other receipts from outside sources.

Lobbying: Lobbyists, groups, and businesses that lobby the legislature and state government must disclose the money spent on gifts to officials as well as payments made to influence state government. Online lobbying reports are at www.sos.ca.gov.
Seven Campaign Forms to Know

Frequently Requested:

- **Form 501:** Identifies which candidates are seeking office and year of election. Usually the first campaign form filed, as it is required before receiving money.

- **Form 410:** Identifies candidates’ and committees’ address, officers and purpose.

- **Form 460 & 461:** Comprehensive reports of money raised and spent.

- **Form 496/465:** Disclosure of independent expenditures.

- **Form 497:** Disclosure of contributions immediately preceding an election.

Look here:

- **State officials:** Go to the Secretary of State’s website at [www.sos.ca.gov](http://www.sos.ca.gov).

- **Local officials:** County elections officials and city clerks.

- **State candidates:** Reporting summaries are available on the FPPC’s website at [www.fppc.ca.gov](http://www.fppc.ca.gov).

(Gov. Code Sections 84100-84252)
Agency & Elected Officeholder Reports

- **Form 801, “Gift to Agency Report:”** Reporting payments made to a state or local agency that also provide a personal benefit to an individual such as paid travel. Required to be posted on the agency’s website. (FPPC Regulation 18944.1, Gifts: Tickets or Passes to Events.)

- **Form 802, “Tickets Provided by Agency Report:”** Discloses who receives tickets or passes that allow admission to facilities, events, shows, or performances for entertainment, amusement, recreational, or similar purposes. The Form 802 and the agency’s approved policy for ticket distribution are required to be posted on the agency’s website. (FPPC Regulation 18944.2, Gifts to an Agency.)

- **Form 803, “Behested Payments:”** Disclosure of payments made at the "behest" of elected officials and members of the California Public Utilities Commission to be used for legislative, governmental or charitable purposes. These payments are not contributions or gifts. Check the FPPC’s website for state elected officials. Website posting is not required, but local agencies must have a paper report. (Gov. Code Section 82015.)
Form 700 discloses personal income and assets such as stocks, gifts, travel payments, and partnerships.

- Each agency’s conflict-of-interest code will list the positions that file Form 700 and the types of assets and income to report. See next slide.

- Certain state and local officials must disclose economic interests irrespective of the conflict-of-interest code; these officials usually file with the FPPC.

- Officials file annually, usually either March 1 or April 1, and most new appointments file within 30 days. Election officials receive a candidate’s Form 700 along with other election related documents.

- The FPPC maintains statements for seven years for all judges, all legislative staffers and most high level state and local public officials as well as board members of many state commissions and multi-county agencies.

- State and local agencies maintain statements for rank and file employees as well as local board members and consultants.

(Gov. Code Sections 87200-87210)
Conflict-of-Interest Codes

Each state and local government agency must have a conflict-of-interest code that identifies the positions that must file the Form 700.

The code lists the types of economic interests that must be disclosed - reporting is tailored to job duties. A high level employee such as a deputy director who has broad decision making powers should disclose more types of interests than a supervisor of an Information Technology Division.

Codes must be kept current in the list of positions and disclosure categories. There is a mandate to review the code every two years.

- **State Agencies:** The code is at the FPPC and the agency. FPPC must approve the code.
- **Multi-County Agencies:** The code is at the FPPC and the agency. FPPC must approve the code.
- **County Agencies:** The code is at the agency. The Board of Supervisors approves the code.
- **City Agencies:** The code is at the agency. The City Council approves the code.

(Gov. Code Sections 87300-87313)
Q: Must local agencies post FPPC forms on their website? May information be redacted?

A: Forms 801 and 802 are required to be posted on an agency’s website. An agency may not redact information from the form postings. In some instances, a summary of all information can be displayed.

The Political Reform Act does not require Form 700s or Form 803 to be posted on a website. If an agency chooses to do so, there are no rules barring redacting of information on the form.

The same is true for campaign forms filed at local election offices. Since website posting of these forms is not required, an agency may choose to redact certain information.

Requests for paper copies of original statements can not be redacted in any way and apply to all FPPC forms.
Top 5 Questions

Q: How many days will it take to receive a copy of a report?
A: All FPPC forms are public records and must be open for public inspection and reproduction during regular business hours, commencing as soon as practicable, but in any event no later than the second business day following the day on which it was received. Unlike Public Records Act requests, the agency does not have 10 days to provide the form. (Gov. Code Section 81008.)

Q: Where are FPPC forms filed?
A: State campaigns and lobbying forms: Secretary of state, www.sos.ca.gov

Local campaigns with the city clerk or county clerk.

Form 700: FPPC and the agency, see slide 6.

Agency Reports: Generally, the agency.

Form 803, Behested Payments: The FPPC posts summaries for state officials. Local reports are filed with the local agency.
Top 5 Questions

Q: Can the agency ask for an ID or name before providing a form?
A: No.

Q: Is the agency required to notify an official that his/her statements have been requested?
A: No.