

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations.)

§ 18115. Duties of Filing Officers and Filing Officials - Statements of Economic Interests.

(a) A filing officer is the person or agency which receives and retains original statements of economic interests. A filing officer's duties with respect to a statement submitted in paper format are set forth in Regulation 18115.1, and a filing officer's duties with respect to a statement submitted electronically through the Commission's electronic filing system or an electronic filing system approved by the Commission are set forth in Regulation 18115.2. In addition, a filing officer shall:

(1) Supply the necessary forms and manuals prescribed by the Commission.

(2) Determine whether the proper statements have been filed and whether they conform on their face with the Act's requirements. In determining if statements conform on their face to the Act's requirements, the filing officer must review the information contained in at least 20 percent of the statements which are filed on time, at least half of which must be selected on a random basis, and the information contained in all statements which are filed late, to determine whether:

(A) The summary page is completed correctly, and all schedules applicable to the filer are either attached or checked "no reportable interests."

(B) The attached schedules include all required descriptive information for each financial interest.

(C) Information on one schedule suggests that required information is omitted on either that schedule or another schedule.

(3) Promptly notify the filer if a required statement has not been filed or if the review of the schedules in subdivision (a)(2) indicates that the statement is incomplete or incorrect in any material respect.

(4) After making at least two attempts at attaining compliance, report any apparent violation of the Act to the appropriate agencies. The filing officer shall obtain updated contact information for the filer associated with an apparent violation and provide that information when reporting the apparent violation consistent with Regulation 18360. An apparent violation exists when:

(A) The filing officer knows or has reason to know that the statement contains material inaccuracies or omissions.

(B) A filer fails or refuses to file all or a part of a statement required by the Act or Commission Regulations adopted pursuant to the Act after the filing officer has provided reasonable notice of the filer's failure to file a complete statement.

(5) Compile and maintain current lists of all statements required to be filed with the agency and all those actually filed with the agency.

(b) A filing official is the person or agency who receives statements of economic interests and forwards those statements to the filing officer pursuant to Section 87500. A filing official's duties with respect to a statement submitted in paper format are set forth in Regulation 18115.1, and a filing official's duties with respect to a statement submitted electronically through the Commission's electronic filing system or an approved electronic filing system are set forth in Regulation 18115.2. In addition, the filing official shall:

(1) Supply the necessary forms and manuals prescribed by the Commission.

(2) Forward a statement to the filing officer no later than five days after the filing deadline or five days after receipt in the case of a late-filed statement, and forward any amendment to a statement to the filing officer no later than five days after receipt of the amendment.

(3) Notify the filing officer of any of the following events within 10 days of the event's occurrence:

(A) An election held in the jurisdiction. If such an election is held, the official subject to this subdivision shall provide the filing officer the names of the candidates, the persons elected, and the office to which each person was elected.

(B) A new appointment to a position specified in Section 87200 or a designated position. The notification shall specify the date the filer assumed the position.

(C) A vacancy in a position specified in Section 87200 or designated position. The notification shall specify the date the previous filer who occupied the position left the position.

(D) Any other event affecting statement of economic interest filing obligations.

(4) Compile and maintain current lists of all statements required to be forwarded to the filing officer and all those actually forwarded to the filing officer.

(5) Annually notify the filing officer of the names and positions of every person whose statements are required to be forwarded to the filing officer no later than December 15.

(6) For an agency for which the Commission is the filing officer, update each filer's information within the Commission's electronic filing system upon the occurrence of any event specified in subdivision (b)(3). If the agency uses an approved electronic filing system, the filing official shall also update each filer's information within that system to ensure autonomous data exchange.

(c) An official who is both a filing officer under subdivision (a) and a filing official under subdivision (b) shall fulfill the duties of both subdivisions.

(d) A filing officer who is a city clerk or county clerk shall comply with the posting and notification requirements of Section 87505.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 81010, 81010.5, 87500 and 87500.2, Government Code.

HISTORY

1. New Chapter 1 (Section 18115) filed 11-4-75; effective thirtieth day thereafter (Register 75, No. 45).
2. Amendment of section title filed 5-22-78; effective thirtieth day thereafter (Register 78, No. 21).
3. Amendment filed 10-2-78; effective thirtieth day thereafter (Register 78, No. 40).
4. Amendment filed 1-25-80; effective thirtieth day thereafter (Register 80, No. 4).
5. Amendment of section heading and NOTE filed 10-29-81; effective thirtieth day thereafter (Register 81, No. 44).
6. Editorial correction of section heading filed 10-29-82 (Register 82, No. 44).
7. Amendment of subsection (a) filed 7-16-85; effective thirtieth day thereafter (Register 85, No. 29).
8. Repealer and new section filed 12-23-2020; operative 1-22-2021 pursuant to Cal. Code Regs., tit. 2, section 18312(e). Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974

Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2020, No. 52).