



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
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To: Chair Silver and Commissioners Brandt, Ortiz, and Wilson

From: Dave Bainbridge, General Counsel
Joanna Gin, Senior Commission Counsel, Legal Division

Subject: **Adoption of Proposed Amendments to Regulation 18723.1 to Clarify SEI Filing Requirements for Officials Holding Multiple Positions**

Date: September 4, 2026

Executive Summary

The Legal Division and Statement of Economic Interests (“SEI”) Unit staff identified a need to clarify regulations concerning the filing of a SEI by public officials holding multiple positions. Instead of filing separate SEIs for each position, officials with multiple positions can choose to file an Expanded SEI (often referred to as an “Expanded Statement”) for a “primary position” with the broadest disclosure of personal financial interests, and list additional positions held. This allows an official to create and file one SEI for all agencies.

Regulation 18723.1 provides guidance on how an official holding multiple positions may file an Expanded Statement. Staff presents for adoption amendments to Regulation 18723.1 to clarify that an official who files a SEI under Section 87200¹ (hereafter referred to as an “87200 filer”) is not required to list as an additional position on an Expanded Statement a position designated under an agency’s Conflict of Interest Code (“Code”) under Section 87300 (hereafter referred to as a “Code-designated position”) when the geographical jurisdiction of that Code agency is the same or is wholly included within the jurisdiction of the Section 87200 agency (“87200 agency”). The amendments would also clarify that an official who files a SEI for a Code-designated position (a “Code filer”) is not required to list as an additional position on an Expanded Statement a Code-designated position with another agency when the geographical jurisdiction of that agency is the same or is wholly included within the jurisdiction of the other agency, the disclosure for the other agency is the same as Section 87200, and the filing officer is

¹ Section 87200 applies to “elected state officers, judges and commissioners of courts of the judicial branch of government, members of the Public Utilities Commission, members of the State Energy Resources Conservation and Development Commission, members of the Fair Political Practices Commission, members of the California Coastal Commission, members of the High-Speed Rail Authority, members of planning commissions, members of the board of supervisors, district attorneys, county counsels, county treasurers, and chief administrative officers of counties, mayors, city managers, city attorneys, city treasurers, chief administrative officers and members of city councils of cities, and other public officials who manage public investments, and to candidates for any of these offices at any election.”

the same for both agencies. In addition, the proposed amendments would allow elected state officers to file only a SEI for their elective position and make clarifying changes. The proposed amendments are substantively the same as those discussed for pre-notice at the June 2026 Commission meeting, with minor edits to clarify when an official does not have to list additional positions on an Expanded Statement and that “elected state officers” do not have to file an Expanded Statement.

Reason for Proposed Regulatory Action

Staff from the Assembly and Senate Legislative Ethics Committees asked the Commission whether state legislators must list additional positions on their SEI. Legislators are often appointed to boards and commissions by legislative leadership.

The Commission has consistently advised that an 87200 filer is not required to file a separate SEI for any Code-designated position the official also holds when the geographical jurisdiction of that Code agency is the same or is wholly included within the jurisdiction of the 87200 agency. The 87200 filer also does not need to list these Code-designated positions as additional positions on an Expanded Statement. However, the current Regulation 18723.1 relating to SEIs for officials holding multiple positions would benefit from clarification on this issue.

Currently, statewide elective officers only have to file a SEI for their elected position and are not required to file SEIs for other Section 87200 positions (“87200 positions”) they hold. However, the term “statewide elective officers” does not include state legislators. The proposed amendments would replace the term “statewide elected officers” with “elected state officers.” This change would allow “elected state officers,” including state legislators, to file only for their elective state office.

Background

The Political Reform Act (“Act”)² governs the filing of SEIs by public officials, including 87200 filers (Sections 87202-87204), Code filers (Section 87302), candidates for any elective office designated in a Code (Section 87302.3), and members of boards or commissions of newly created agencies (Section 87302.6).

What is an Expanded Statement of Economic Interests?

An “Expanded Statement of Economic Interests” or “Expanded Statement” is a single statement that a public official who holds multiple positions subject to reporting requirements may file instead of separate and distinct statements for each position. (Regulation 18723.1(a).)

² The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18104 through 18998 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

An official's Expanded Statement must disclose all reportable interests for all jurisdictions in which they serve and list all positions for which it is filed. The Expanded Statement consolidates an official's reportable interests for all jurisdictions and positions into a single document that can be filed or shared with the necessary filing officers. The Expanded Statement streamlines paperwork for the filer but can result in a filer "overreporting" personal financial interests to another agency, particularly if the official must report for more than one jurisdiction or the disclosure categories for the multiple positions differ.

Officials with multiple positions are not required to file an Expanded Statement and can file separate SEIs for each position they hold. Rather, officials may file an Expanded Statement to streamline their paperwork. The agencies that an official must file with do not change simply because the official files an Expanded Statement.

Proposed Regulations

Clarification: 87200 Filers Who Also Hold a Code-Designated Position for the Same or Smaller Jurisdiction Do Not Have to List Additional Positions on the Expanded Statement

Public officials who are required to file statements of economic interests are either 87200 filers or Code filers. (Sections 87300 and 87302.) An 87200 filer is not required to file a SEI for a Code-designated position of any agency with the same or smaller jurisdiction.³ The rationale for this is that the official would have already included the broadest level of disclosure required under Section 87200 et seq., which exceeds the disclosure required under an agency's Code, and the official would have included all reportable interests for the Code agency's jurisdiction in the SEI filing for the 87200 position.

A state or local agency's Code identifies the Code-designated positions, other than 87200 positions, that involve the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest.⁴ These Code-designated positions include officers, employees, members, and consultants.⁵ Since an 87200 filer does not have to file for a Code-designated position (under Section 87300) for any agency with a jurisdiction that is the same or smaller than the 87200 agency, the official would likewise not have to list the Code-designated position in an Expanded Statement. The proposed amendments clarify that 87200 filers do not need to list a Code-designated position (under Section 87300) as an additional position in an Expanded Statement when the geographical jurisdiction of that Code agency is the same or is wholly included within the jurisdiction of the 87200 agency.

Clarification: Certain Code Filers Who Hold Another Code-Designated Position for the Same or Smaller Jurisdiction Do Not Have to List Additional Positions on the Expanded Statement

³ See Regulation 18730(b)(3). Regulation 18730 sets forth the model code provisions required to be included in an agency's Code. See also *Stieler* Advice Letter, No. A-10-022.

⁴ See Section 82019.

⁵ *Ibid.*

In some instances, public officials who hold multiple Code-designated positions do not have to file a SEI under an agency's Code. If an official holds multiple Code-designated positions, they are not required to file a SEI for an agency's Code-designated position when the geographical jurisdiction of that agency is the same or is wholly included within the jurisdiction of the other agency, the disclosure for the other agency is the same as Section 87200, and the filing officer is the same for both agencies. This SEI filing exception is similar to the one that applies to 87200 filers who also hold a Code-designated position with any Code agency wholly within an 87200 agency's jurisdiction, as discussed above. The rationale for Code filers not having to file a SEI with another Code agency when the geographical jurisdiction of that agency is wholly within the other agency is that the official would have already included the broadest level of disclosure required under Section 87200 et seq., which exceeds the disclosures required under an agency's Code, the official would have included all reportable interests for the Code agency's jurisdiction in the SEI filing for the other position, and the same filing officer for both agencies would be aware of the official's financial interests and multiple Code positions. The proposed amendments clarify that these Code filers do not need to list their other Code-designated position as an additional position in an Expanded Statement when the geographical jurisdiction of the Code agency is the same as or is wholly included within the jurisdiction of the other Code agency, the disclosure for the other Code agency is the same as Section 87200, and the filing officer is the same for both agencies.

Statewide Elected Officers vs. Elected State Officers

Under Regulation 18723.1(b), a statewide elected officer⁶ who holds multiple positions is not required to list any additional positions on an Expanded Statement because they already provide full disclosure throughout the state. Under the Act, a "statewide elective office"⁷ does not include state legislators. In contrast, "elected state officer"⁸ includes those statewide elective officers listed in Section 82053, as well as Members of the Legislature, members elected to the Board of Administration of the Public Employees' Retirement System, and members elected to the Teachers' Retirement Board. The proposed amendments would replace "statewide elected officers" with "elected state officers" and update applicable cross-references to statutes so elected state officers need only file a SEI for their elective state position. This means that "elected state officers" would not be required to file an Expanded Statement because they are filing for one position.

⁶ Existing Regulation 18723.1(b) refers to a "statewide elected officer," while Section 82053 of the Act refers to a "statewide elective officer."

⁷ "Statewide elective office" means the office of Governor, Lieutenant Governor, Attorney General, Insurance Commissioner, Controller, Secretary of State, Treasurer, Superintendent of Public Instruction and member of the State Board of Equalization. (Section 82053.)

⁸ "Elected state officer" means "any person who holds an elective state office or has been elected to an elective state office but has not yet taken office. A person who is appointed to fill a vacant elective state office is an elected state officer." (Section 82021.)

"Elective state office" means "the office of Governor, Lieutenant Governor, Attorney General, Insurance Commissioner, Controller, Secretary of State, Treasurer, Superintendent of Public Instruction, Member of the Legislature, member elected to the Board of Administration of the Public Employees' Retirement System, member elected to the Teachers' Retirement Board, and member of the State Board of Equalization." (Section 82024.)

Electronic Filing Systems

Due to recent legislative enactments,⁹ all 87200 filers file SEIs electronically with the Commission as their filing officer. Regulation 18723.1 provides that if the primary and any additional positions are required to file with the Commission, the filer is only required to file the Expanded Statement for the primary position. Since all 87200 filers have to file with the Commission, filers who hold at least two 87200 positions only have to file an Expanded Statement with the Commission for their primary position, which will be the 87200 position to which the official was elected, or if there is no elective position, the one with the broadest disclosure. The proposed amendments clarify that the filer shall only be required to file the Expanded Statement with the Commission once.

In addition, Regulation 18313.5(b) requires the Commission to post on its website, as of January 1, 2025, SEIs of 87200 filers, with the official's address, phone number, email address, and signature redacted.¹⁰ The Commission recently launched the Public Official Financial Disclosure Portal, an online system that provides public access to these SEIs.¹¹ This allows agencies that do not receive an SEI for a Code-designated position (under Section 87300) because the official is a 87200 filer to visit the Commission's Public Official Financial Disclosure Portal to view and/or download a copy of the official's SEI, which will contain the broadest disclosure of personal financial interests. This will allow Code agencies to obtain information to determine whether those officials have a financial conflict of interest in agency decisions without the responsibility of maintaining SEI records.

Proposed Changes for 87200 Filers with Code-designated Positions in Larger Jurisdictions

If an 87200 filer holds a Code-designated position with an agency that has a broader jurisdiction than the 87200 agency, the official must either file separate SEIs for each position with the respective agencies or file an Expanded Statement with the Commission (for the 87200 position) and with the Code agency (for the Code-designated position). (In contrast, 87200 filers do not need to list Code-designated positions for agencies with the same or smaller jurisdiction than the 87200 agency as additional positions in an Expanded Statement nor file a separate SEI with the Code agencies for those Code-designated positions in accordance with Regulation 18730 and an agency's Code.) At the June 18, 2026, Commission meeting, the Chair inquired about the effect of amending the proposed amendments to allow an official with an 87200 position, and a Code-designated position of an agency with a geographical jurisdiction broader

⁹ See AB 1170 (Chapter 211, Statutes of 2024) and SB 852 (Chapter 331, Statutes of 2025).

¹⁰ Regulation 18313.5(b) reads as follows:

“(b) The Commission shall also post on its website all statements of economic interests required to be filed with the Commission on or after January 1, 2025, of officials required to file a statement of economic interests pursuant to Section 87200. The address, telephone number, email address, and signature block of the elected official's statement will be redacted from the cover page of the document before posting to the website. The statement of economic interests will be posted as soon as possible after the document is filed with the Commission.”

¹¹ The Commission's Public Official Financial Disclosure Portal is located at <https://form700search.fppc.ca.gov>.

than the jurisdiction of the 87200 agency, to only file the Expanded Statement with the Commission instead of both the Commission and the Code agency.

Regulations 18115, 18115.1, and 18115.2 specify the duties of filing officers and filing officials as they relate to SEIs. They require the filing officers to determine whether the SEIs have been filed, review SEIs for accuracy and omissions, and report violations of the Act to the Commission after two attempts to obtain compliance from the filer. The SEI Unit has expressed that the proposed change may have the unintended consequence of confusing filers and filing officers. Under Regulation 18730 and an agency's Code,¹² officials designated in an agency's Code must file SEIs, whether as an Expanded Statement or for the Code-designated position only, with the Code agency, unless the filer also is an 87200 filer and the jurisdiction of the Code agency is the same or smaller than the 87200 agency.

When an 87200 filer files an Expanded Statement with the Commission, the official is still responsible for filing their Expanded Statement with any Code agencies with which they hold Code-designated positions and for which they are required to file. Therefore, if an official does not file an Expanded Statement with a Code agency with a broader jurisdiction in accordance with an agency's Code and Regulation 18730, the Code agency's filing officer will assume that the official has failed to file a SEI for the Code-designated position.

Accordingly, a concern with a proposed change for an 87200 filer to file only with the Commission for agencies with broader jurisdictions is transparency: how the Code agencies' filing officers and members of the public would know whether an official has filed an Expanded Statement with the Commission, and how to access the Expanded Statement. The SEI Unit has indicated that the Commission's electronic filing system cannot forward copies of Expanded Statements to Code agencies with whom the filer holds additional positions. The Commission only has the email addresses for the filing officers of 87200 agencies that file with the Commission. The Commission's electronic filing system cannot add email addresses for Code agency filing officers for SEIs that the Commission does not receive. A Code agency's filing official could check the Commission's website to confirm whether the 87200 filer filed an Expanded Statement (although this requires the Code agency's filing officer to first know that the official holds an 87200 position).

The proposed change also raises the question of whether a filing with the Commission's electronic filing system can be considered a filing with the Code agency. At the June Commission meeting, the Chair asked whether it would be possible for a Code agency to "opt in" to allowing an official to only file an Expanded Statement with the Commission. At a minimum, this would require the Commission to amend Regulation 18730, the model Conflict of Interest regulation, to include "opt in" language, and the Legislature to amend Section 87500 to allow the Commission to be designated as the filing officer.¹³ Officials who choose not to file an

¹² *Supra*, fn. 3

¹³ Section 87500 specifies when the Commission serves as an agency's filing officer, including instances when the Commission has been designated as the filing officer in an agency's Code.

Expanded Statement in these circumstances would still file with the Code agency with a broader jurisdiction than the 87200 agency.

These changes to the SEI process would add another layer of rules and nuance, potentially leading to more questions rather than simplifying the process. The official would still need to disclose the reportable interests for the broader jurisdiction of the Code agency, which would require the filer to list the position and agency to confirm that all interests are properly and fully disclosed. In addition, if a Code agency no longer receives a filed copy of an Expanded Statement, it may become more difficult for a filing officer to determine whether they are complying with their duties under Regulations 18115, 18115.1, and 18115.2.

Due to the concerns raised by the SEI Unit and similar concerns raised by the public (as discussed below), we recommend not allowing officials to file an Expanded Statement solely with the Commission when they have a filing obligation in a jurisdiction broader than the 87200 agency.

Summary of Public Comments

Staff contacted the California Municipal Clerks Association (“CMCA”) and the California Association of Clerks and Election Officials regarding the proposed amendments to Regulation 18723.1 (as presented at the June 18, 2026 Commission meeting) and the inquiry at the June Commission meeting regarding whether to include amendments to allow an official with a 87200 position, and a Code-designated position of an agency with a geographical jurisdiction broader than the jurisdiction of the 87200 agency, to only file the Expanded Statement with the Commission instead of both the Commission and the Code agency. In addition, staff was contacted by the California Clerk of the Board of Supervisors Association and the City of San Diego’s Office of the City Clerk.

The CMCA expressed concerns about a potential amendment that would allow an 87200 filer not to file with a Code agency when the Code agency’s jurisdiction is broader than the 87200 agency’s. According to the CMCA, such a change would confuse local filing officers. If a filer does not file a SEI or Expanded Statement with a Code agency, the local filing officer would need to independently search Commission records, locate the filing, reconcile it against their own 87300 filer list of Code-designated positions, and determine whether the Commission filing properly covers the Code-designated position and jurisdiction of the Code agency, for each applicable official. Staff notes that these concerns would also apply to 87200 filers who hold Code-designated positions with Code agencies with jurisdictions that are the same or smaller than the 87200 agency. Some local filing officers have expressed that disclosure of all positions, agencies, jurisdictions, and reportable interests in an official’s Expanded Statement would increase transparency and reduce confusion for filing officers and filers. However, there is a distinction depending on whether the Code agency’s jurisdiction is wholly included within the 87200 agency. As discussed above, the rationale for 87200 filers not having to file a SEI for Code-designated positions with jurisdictions that are the same or smaller than the 87200 agency is that the official would have already included the broadest level of disclosure and all reportable interests for the Code agency’s jurisdiction in the SEI for the 87200 position.

CMCA also expressed that Code filers still need to separately file assuming and leaving office statements for the Code agency. An omitted reference to a Code-designated position or jurisdiction may result in an official being incorrectly identified as a non-filer or require additional administrative work for the filing officer to confirm whether an official correctly satisfied all filing obligations. CMCA writes:

[We support] efforts to streamline SEI transparency for the public. Ideally, a filer could submit an Expanded Statement through the [Commission's] filing system, identify all applicable positions and jurisdictions, and have the filing automatically transmitted to the appropriate local agencies. CMCA requests that the Commission retain the existing filing and notification requirements unless and until an alternative mechanism is available that provides applicable code agencies with timely and reliable notice of the filing, the positions and jurisdictions it covers, and any information necessary to confirm compliance.

These concerns are similar to concerns raised by the SEI Unit, which is why we recommend not allowing officials to file an Expanded Statement solely with the Commission when they have a filing obligation with a Code agency in a jurisdiction broader than the 87200 agency.

Additionally, in regard to the comment about the Commission transmitting copies, as stated above, this is infeasible because the Commission's electronic filing system cannot add email addresses for Code agency filing officers for SEIs that the Commission does not receive.

Education and Outreach Efforts

Commission staff will distribute the regulation to interested parties by means of the "Newly Adopted, Amended or Repealed Regulations" email list, update the "Newly Adopted, Amended or Repealed Regulations" page on the website, and send an email notification to filing officers throughout the state. Staff will also update training and educational materials to reflect these regulatory changes.

Conclusion

The proposed update would make several updates to Regulation 18723.1 for officials with multiple positions who file Expanded Statements. The proposed amendments would clarify that 87200 filers do not need to list Code-designated positions on their Expanded Statements when the geographical jurisdiction of the Code agency is the same or is wholly included within the jurisdiction of the 87200 agency; clarify that Code filers do not need to list Code-designated positions on their Expanded Statements when the geographical jurisdiction of another Code agency is the same or is wholly included within the jurisdiction of the other Code agency, the disclosure for the other Code agency is the same as Section 87200, and the filing officer is the same for both agencies; allow "elected state officers" to only file a SEI for their elective state office; and, clarify which agencies Expanded Statements must be filed with and how.

Attachment:

Proposed Amendments to Regulation 18723.1