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State of California



Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 ••• 1100 K STREET BUILDING, SACRAMENTO, 95814

January 7, 1977

17-169

G. E. Bishel
Clerk of the Supreme Court
Room 4250, State Building
350 McAllister Street
San Francisco, CA 94102

Dear Mr. Bishel:

Thank you for your letter of December 1, 1976, in response to the staff's memorandum of November 10, 1976, outlining the filing requirements for "incumbent judicial candidates who are unopposed and those whose names do not appear on the ballot." Dan Lowenstein asked that I send you the following reply.

Apparently, the memorandum created some confusion with respect to the filing obligations of Justices of the Supreme Court. Although Supreme Court Justices are "incumbents", they will have filing obligations under Chapter 4 of the Political Reform Act only when they are candidates for reelection to the Court.^{1/} Supreme Court Justices are not obligated to file campaign statements by reason of their incumbency at any other time.

When a Supreme Court Justice does have his name on the ballot, he will be obligated to file campaign statements pursuant to Government Code Section 84200 and not Government Code Section 84207. Government Code Section 84207 is limited to "a candidate for reelection for judicial office whose name does not appear on the ballot by reason of Section 25304 of the Elections Code" Since Elections Code Section 25304 is not applicable to Supreme Court Justices, their filing obligations are established by Government Code Section 84200.

^{1/} We realize that a Supreme Court Justice does not stand for election in the traditional sense, but instead merely has his name on the ballot and voters can vote either "yes" or "no" on the question of permitting the Justice to continue to serve. Nevertheless, we think that a Supreme Court Justice is a "candidate" within the meaning of the Political Reform Act when his name appears on the ballot. Gov. Code Section 82007.

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I apologize for the delay in responding to your letter. If you have any further questions, please do not hesitate to contact me.

Sincerely,



Kenneth Finney
Chief
Legal Division

KF:jo

cc: Honorable Raymond L. Sullivan
Associate Justice of the Supreme Court

bcc: Gina Siciliano-Kutchins

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December 1, 1976

Fair Political Practices Commission
Daniel H. Lowenstein, Chairman
P.O. Box 807
Sacramento, California 95804

Re: Campaign Statements, Judicial Offices

Dear Mr. Lowenstein:

In your memorandum dated November 10, paragraph 3 contains the statement that "incumbent judicial candidates who are unopposed and whose names do not appear on the ballot need file only one campaign statement"

The foregoing quote contains the word "incumbent" which creates an ambiguity for this office. All of the Supreme Court Justices are incumbents. This then is the genesis of the query, "Must the Supreme Court Justices file a campaign statement even though such a statement is to be in the negative?"

Your early answer with a copy to Justice Raymond L. Sullivan would be most appreciated.

Very truly yours,



G. E. BISHEL
Clerk of the Supreme Court

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