

State of California



Fair Political Practices Commission

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

May 3, 1977

Alan Slater
Office of the County Clerk
Orange County
P. O. Box 1994
Santa Ana, CA 92702

A-77-372

Dear Mr. Slater:

This letter is to confirm our conversation of April 27, 1977, concerning filing obligations attending the appointment of four municipal court justices to the superior court bench. Generally speaking, judges and other public officials must file both assuming and leaving office statements. Government Code Sections 87202 and 87204.^{1/} However, Section 87205(b) provides an exception:

A person who completes a term of an office specified in Section 87200 and on the same day begins a term of the same office or another such office of the same jurisdiction is not deemed to assume office or leave office. The day on which the new term begins shall be deemed an anniversary of assuming the office.

Two provisions in this section deserve elaboration. First, we believe that an official "completes a term of an office" on the day he leaves office regardless of whether he resigns his post or serves a full statutory term. Second, the offices of municipal and superior court judge are of the same "jurisdiction" within the meaning of Article 2 of Chapter 7 of the Political Reform Act. Accordingly, so long as the judges in question resign their positions with the municipal court on the same day they assume office with the superior court, Section 87205(b) will obviate the need for them to file assuming and leaving office statements. Thus, the next filing obligation for the judges in question will be next March in

^{1/} All statutory references are to the Government Code unless otherwise noted.

Alan Slater
Page Two
May 3, 1977

connection with their annual statements. See Government Code Section 87203; 2 Cal. Adm. Code Section 18723.

Because Judges Fenton, Hamilton, Rickles and Thomson are not required to file assuming and leaving office statements, please find enclosed the statements which were inadvertently filed with our office. If you have any further questions, please feel free to call me.

Sincerely,

Ted Prim
Ted Prim
Staff Counsel
Legal Division

TP:jo

Enclosures