

87202  
87205

# State of California



# Fair Political Practices Commission

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

Technical Assistance (916) 322-5662 ••• Administration 322-5660 ••• Executive/Legal 322-5901 ••• Enforcement 322-6441 ••• Conflict of Interest 322-6444

March 12, 1980

Honorable Rose Elizabeth Bird  
Chief Justice  
Supreme Court of California  
State Building  
San Francisco, CA 94102

A-80-03-072

Dear Chief Justice Bird:

Tom Houston has asked me to respond to your letter to him of February 21, 1980, requesting this agency's interpretation of Government Code Sections 87202 and 87205 of the Political Reform Act.<sup>1/</sup>

First, you have asked whether the words "appointment or nomination" in Section 87202 refer to the date of the Governor's action or to the date on which the appointment or nomination is confirmed by the Commission on Judicial Appointments. We interpret this phrase to mean the date of the Governor's action, in keeping with the use of those terms in Article 6, Section 16 of the California Constitution, which sets forth the Governor's authority to fill vacancies in the courts by appointment, and which provides that:

A nomination or appointment by the Governor is effective when confirmed by the Commission on Judicial Appointments.

This language implies that the appointment or nomination is an action of the Governor, taken at some time before the Commission's confirmation of it. Indeed, one purpose in requiring a statement of economic interests to be filed within 10 days after appointment or nomination is to make the statement available for review by the Commission on Judicial Appointments during your deliberations.

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<sup>1/</sup> All statutory references are to the Government Code unless otherwise noted.

Honorable Rose Elizabeth Bird  
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Your second question concerns the phrase "completes a term of office" as used in Section 87205, which provides that:

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.

We interpret this phrase to mean the day the official leaves office, regardless of whether he or she resigns the post or serves the full statutory term. A person who resigns from the bench of one California court to assume the bench of another on the same day would not therefore have to file either a leaving office or an assuming office statement, nor would a person sitting on the bench of one California court have to file an additional statement by virtue of being appointed or nominated to sit on a different court. If the Commission on Judicial Appointments is interested in seeing a statement of economic interests filed by such a person, a copy of his or her previous annual or assuming office statement, as a public document, is available from the Fair Political Practices Commission.

If there is any further assistance this office could offer you, please do not hesitate to contact me.

Sincerely,



Sarah T. Cameron  
Deputy Chief for  
Conflicts of Interest  
Legal Division

STC:plh

Supreme Court of California  
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San Francisco  
94102

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Rose Elizabeth Bird  
Chief Justice

February 21, 1980

Mr. Thomas K. Houston  
Chairman  
Fair Political Practices Commission  
P. O. Box 807  
Sacramento, California 95804

*Dear Mr. Houston:*

I am writing to you in my capacity as Chairperson of the Commission on Judicial Appointments to inquire as to the Fair Political Practices Commission's interpretation of a portion of section 87202 of the Government Code.

In pertinent part, that section reads as follows:  
"Every person who is appointed or nominated to an office specified in Section 87200 shall file . . . a statement [disclosing his investments and his interests in real property] not more than 10 days after assuming office, provided, however, that a person appointed or nominated to such an office who is subject to confirmation by the Commission on Judicial Appointments . . . shall file such a statement no more than 10 days after the appointment or nomination." It would be helpful to the Commission on Judicial Appointments to know whether the words "appointment or nomination" as used in that sentence refer to the date of the Governor's action or to the date on which the appointment or nomination is confirmed by the Commission on Judicial Appointments.

It would also be helpful to know whether the reference to "complet[ing] a term of an office," as that phrase is used in section 87205, refers to the date on which the term itself ends or to the date on which the individual vacates that office, regardless of whether or not an unexpired portion of the term remains.

Mr. Thomas K. Houston  
February 21, 1980  
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Any assistance which you could give to the Commission on  
Judicial Appointments concerning these points would be  
appreciated. Thank you for your consideration of this  
inquiry.

*Sincerely,*  
*Rose E. Bird*

Rose Elizabeth Bird  
Chief Justice