



# California Fair Political Practices Commission

May 17, 1993

Peter S. Pierson  
Assistant Chief Counsel  
Franchise Tax Board  
P. O. Box 1468  
Sacramento, CA 95812-1468

Re: Your Request for Informal  
Assistance  
Our File No. I-93-155

Dear Mr. Pierson:

You have requested advice concerning the conflict of interest disclosure provisions of the Political Reform Act.<sup>1/</sup> Your letter states only a general question. Therefore, we consider it to be a request for informal assistance pursuant to Regulation 18329(c).<sup>2/</sup>

## QUESTION

Is the statement of economic interests (Form 730) a confidential document so that no one may examine the statement prior to filing with the appropriate filing officer?

## CONCLUSION

A statement of economic interests becomes a public document when it is filed with the appropriate filing official pursuant to Section 87500. Under the Political Reform Act, there is no requirement that the statement be made available for public inspection until it is officially filed. However, you may want to analyze whether other statutes outside the Political Reform Act's jurisdiction, most notably the Public Records Act (Gov. Code Section 6250, et seq.), apply to this question.

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<sup>1/</sup> Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

<sup>2/</sup> Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 83114; Regulation 18329(c)(3).)

ANALYSIS

In order to avoid conflicts of interest, the Act requires each state and local government agency to adopt a conflict of interest code designating those positions within the agency which involve governmental decisionmaking. Employees holding such positions are required to file periodic statements of economic interests disclosing certain personal assets and income. (Section 87300, et seq.) Each agency's conflict of interest code specifies the deadline for filing statements and where such statements must be filed. (Sections 87302, 87500.)

Section 81008 states that every report or statement "filed" pursuant to the provisions of the Act is a public record open for public inspection and reproduction during regular business hours. Therefore, under the Political Reform Act, until a statement of economic interests has been filed with the appropriate filing official, there is no requirement that the statement be made available to the public. However, other provisions of law outside of our jurisdiction, most notably the Public Records Act (Gov. Code Section 6250, et seq.), may also govern this issue. Therefore, you may want to consider those provisions in your analysis of this issue.

I trust this adequately responds to your question. Please contact me at (916) 322-5662 if you have questions concerning this letter.

Sincerely,

*Carla Wardlow*

Carla Wardlow  
Division Chief  
Technical Assistance Division