



## FAIR POLITICAL PRACTICES COMMISSION

P.O. Box 807 • 428 J Street • Sacramento, CA 95812-0807  
(916) 322-5660 • Fax (916) 322-0886

June 26, 2001

Kevin S. Moen, Ph.D.  
2518 Burnaby Way  
Sacramento, CA 95833

**Re: Your Request for Advice  
Our File No. A-01-078**

Dear Dr. Moen:

This letter is in response to your request for advice regarding the disclosure provisions of the Political Reform Act (the "Act").<sup>1</sup>

### QUESTION

Are you required to disclose your domestic partner's sources of income, investments and real property on your Statement of Economic Interests?

### CONCLUSION

No. A domestic partner is not a spouse, and you have no community property interest in his sources of income, investments and real property.

### FACTS

You are a Political Reform Consultant with the Fair Political Practices Commission and, as such, you fall into the "full disclosure" category for purposes of filing your Statement of Economic Interests, Form 700. In addition, you and your domestic partner have filed the appropriate documents to enable you to be recognized as domestic partners pursuant to Family Code §§ 297 *et seq.* Domestic partners sign a statement under penalty of perjury that they "share a common residence [and] agree to be

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<sup>1</sup> Government Code sections 81000 – 91014. Commission regulations appear at Title 2, sections 18109-18996, of the California Code of Regulations.

jointly responsible for each other's basic living expenses incurred during our domestic partnership."

### ANALYSIS

As you stated in your letter, an individual who is required to disclose sources of income, investments and real property in Statements of Economic Interests ("SEI") is also required to disclose the sources of income, investments and real property of his or her spouse, if he or she is married. The basis for this requirement is the filer's community property interest in his or her spouse's income, investments and real property.

"Income" is defined in the Act as follows:

"'Income' means, except as provided in subdivision (b), a payment received, including but not limited to any salary, wage, advance, dividend, interest, rent, proceeds from any sale, gift, including any gift of food or beverage, loan, forgiveness or payment of indebtedness received by the filer, reimbursement for expenses, per diem, or contribution to an insurance or pension program paid by any person other than an employer, *and including any community property interest in the income of a spouse.*"  
(Govt. Code § 82030(a).)(emphasis added.)

Under the domestic partnership provisions of the Family Code, no marital relationship is created between domestic partners who file the appropriate papers. Therefore, a domestic partner is not a spouse.

Further, Family Code § 299.5(d) provides:

"The filing of a Declaration of Domestic Partnership pursuant to this division shall not, in and of itself, create any interest in, or rights to, any property, real or personal, owned by one partner in the other partner, including, but not limited to, rights similar to community property or quasi-community property."

Rather, ownership interests in property jointly acquired during the domestic partnership where title is shared are held in proportion to the interest assigned to each partner at the time the property or interest was acquired, unless expressly agreed in writing. Division of such property upon termination of the domestic partnership is governed by Family Code § 299.5(e). Therefore, since there is no spousal relationship between domestic partners, and a domestic partner has no community property interest in his or her domestic partner's property, an individual subject to disclosure requirements under the Act is not required to report his or her domestic partner's sources of income, investments or real property on his or her Statement of Economic Interests.

If you have any other questions regarding this matter, please contact me at (916)  
322-5660.

Sincerely,

Luisa Menchaca  
General Counsel

A handwritten signature in cursive script that reads "Holly B. Armstrong". The signature is written in black ink and is positioned above the typed name and title.

By: Holly B. Armstrong  
Staff Counsel, Legal Division

HBA:jg  
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