



FAIR POLITICAL PRACTICES COMMISSION

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July 29, 2002

Cheryl I. Butler
Court of Appeal
Third Appellate District
900 N Street
Sacramento, CA 95814

**Re: Your Request for Informal Assistance
Our File No. I-02-187**

Dear Ms. Butler:

This letter is in response to your request for advice on behalf of the Third Appellate District regarding the provisions of the Political Reform Act (the "Act").¹ Because your question is general in nature, we are treating your letter as a request for informal assistance.²

QUESTION

Are candidates for appellate court justice required to file a candidate's Statement of Economic Interests?

CONCLUSION

No. Candidates for appellate court justice are not required to file a candidate's Statement of Economic Interests. Successful incumbent candidates must continue to file on an annual basis.

FACTS

You request clarification on the filing responsibilities of appellate court justices so that you may share the information with your judicial candidates.

¹ Government Code sections 81000 – 91014. Commission regulations appear at Title 2, sections 18109-18997, of the California Code of Regulations.

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

ANALYSIS

Section 87201 states:

"Every candidate for an office specified in Section 87200 other than a justice of an appellate court or the Supreme Court shall file no later than the final filing date of a declaration of candidacy, a statement disclosing his or her investments...." [Emphasis added.]

Therefore, appellate court justices are not required to file candidate Statements of Economic Interests.

Section 87202 requires that "[e]very person who is elected to an office specified in Section 87200" file a statement "disclosing his or her investments and his or her interests in real property held on the date of assuming office, and income received during the 12 months before assuming office." In addition, section 87202 requires that "a person appointed or nominated to such an office who is subject to confirmation by the Commission on Judicial Appointments" file no more than 10 days after the appointment or nomination.

However, section 87205 provides that:

"A person who completes a term of an office specified in Section 87200 and within 30 days begins a term of the same office ... is not deemed to assume office or leave office."

Therefore, a sitting appellate court justice who is successful in an election is not required to file an assuming office or leaving office statement under section 87202.

Lastly, section 87203 requires every person holding an office specified in section 87200, which includes appellate court justices, to file a statement annually "at a time specified by Commission regulations."

Commission regulation 18723 states that:

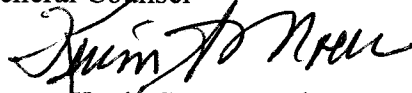
"...[t]he closing date for all persons required to file Statements of Economic Interests pursuant to Government Code Section 87203 shall be December 31."

The regulation further specifies that judges and commissioners of courts of the judicial branch of government must file their annual statement by March 1.

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

Sincerely,

Luisa Menchaca
General Counsel



By: Kevin S. Moen, PhD
Political Reform Consultant II
Technical Assistance Division

Enclosure

KSM:jg

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