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TITLE 9. POLITICAL REFORM [81000 - 91014] (Title 9 added June 4, 1974, by initiative Proposition 9.)

CHAPTER 7. Conflicts of Interest [87100 - 87505] (Chapter 7 added June 4, 1974, by initiative Proposition 9.)

ARTICLE 5. Filing [87500 - 87505] (Article 5 added by Stats. 1979, Ch. 674.)

87500. (a) (1) A statement of economic interests filed by a public official, for whom the Commission is the filing officer, shall be filed with the Commission using the Commission's electronic filing system.

(2) The Commission shall be the filing officer for statements of economic interests filed by all of the following:

(A) A statewide elected officer or candidate for statewide elective office.

(B) A member of, or candidate for, the Legislature or State Board of Equalization.

(C) A member of the Public Utilities Commission, State Energy Resources Conservation and Development Commission, or California Coastal Commission.

(D) A member of a state licensing or regulatory board, bureau, or commission.

(E) A person appointed to a state board, commission, or similar multimember body of the state if the Commission has been designated as the filing officer in the conflict of interest code of the respective board, commission, or body.

(F) A person holding, or candidate for, the office of district attorney, county counsel, county treasurer, or county board of supervisors.

(G) A city manager or, if there is no city manager, the chief administrative officer.

(H) A person holding, or candidate for, the office of city council member, city treasurer, city attorney, or mayor.

(I) A county planning commissioner or city planning commissioner.

(J) A county chief administrative officer.

(K) A judge, court commissioner, or candidate for judge.

(L) A head of a local government agency or member of a local government board or commission, for which the Commission is the code reviewing body, if the Commission has been designated as the filing officer in the conflict of interest code of the respective agency, board, or commission.

(M) A designated employee of the Legislature directed to file directly with the Commission by the house of the Legislature by which the designated employee is employed.

(N) A designated employee of more than one joint powers insurance agency who elects to file a multiagency statement pursuant to Section 87350.

(b) A statement of economic interests filed by a public official, for whom the Commission is not the filing officer, shall be filed as follows:

(1) Members of the Commission shall file electronically using the Commission's electronic filing system and the Commission shall send a copy of the filing to the office of the Attorney General, which shall be the filing officer.

(2) Except as provided in subparagraph (L) of paragraph (2) of subdivision (a) and this paragraph, a head of a local government agency, member of a local government agency board or commission, or member of a board or commission not under the jurisdiction of a local legislative body shall file one original with the agency, board, or commission, which shall make and retain a copy and forward the original to the code reviewing body, which shall be the filing officer. The code reviewing body may require that the original be filed directly with the code reviewing body and that no copy be retained by the agency, board, or commission.

(3) Except as provided in subparagraph (M) of paragraph (2) of subdivision (a), a designated employee of the Legislature shall file one original with the house of the Legislature by which the designated employee is employed.

(c) A person not otherwise designated in this section shall file one original with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.

(Repealed and added by Stats. 2024, Ch. 211, Sec. 4. (AB 1170) Effective January 1, 2025.)

87500.2. (a) An agency may permit the electronic filing of a statement of economic interests required by Article 2 (commencing with Section 87200) or Article 3 (commencing with Section 87300), including amendments, in accordance with regulations adopted by the Commission.

(b) In consultation with interested agencies, the Commission shall use common database integration features in developing database design requirements for all electronic filings that may be used.

(c) (1) An agency that intends to permit electronic filing of a statement of economic interests shall submit a proposal, which shall include a description of the electronic filing system that the agency proposes to use, to the Commission for approval and certification. An agency that submits a proposal shall include a fee of one thousand dollars (\$1,000) that is payable to the Commission for the costs of approving and certifying the proposal.

(2) An agency shall not charge a person to electronically file a statement of economic interests.

(3) The Commission shall review an agency's proposal for compliance with the system requirement regulations adopted pursuant to subdivisions (a) and (b) and the requirements of subdivision (d). If the proposed system complies with these requirements, the Commission shall approve and certify the agency's electronic filing system as soon as practicable after receiving the agency's submitted proposal.

(d) An agency's proposed electronic filing system shall meet the following requirements:

(1) A statement of economic interests filed electronically shall include an electronic transmission that is submitted under penalty of perjury and that conforms to subdivision (b) of Section 1633.11 of the Civil Code.

(2) (A) The agency's filing officer shall issue to a person who electronically files their statement of economic interests or amendment an electronic confirmation that notifies the filer that their statement of economic interests or amendment was received. The confirmation shall include the date and the time that the statement of economic interests or amendment was received by the filing officer and the method by which the filer may view and print the data received by the filing officer.

(B) A copy retained by the filer of a statement of economic interests or amendment that was electronically filed and the confirmation issued pursuant to subparagraph (A) that shows that the filer timely filed their statement of economic interests or amendment shall create a rebuttable presumption that the filer timely filed their statement of economic interests or amendment.

(3) The agency shall utilize an electronic filing system that includes layered security to ensure data integrity. The system shall have the capability to uniquely identify a filer electronically when the filer accesses the electronic filing system. The operational process for the system shall include industry best practices to ensure that the security and integrity of the data and information contained in the statement of economic interests are not jeopardized or compromised.

(4) The agency shall provide the public with a copy of an official's statement of economic interests upon request, in accordance with Section 81008. The copy of the electronically filed statement of economic interests shall be identical to the statement of economic interests published by the Commission and shall include the date that the statement was filed.

(e) The Commission may adopt regulations to require that an agency redact information on a statement of economic interests prior to posting the statement of economic interests on the internet.

(f) The Commission may conduct discretionary audits of an agency's approved and certified electronic filing system to evaluate its performance and compliance with the requirements of this section.

(g) The Commission shall accept an electronic copy of a statement of economic interests that is forwarded to it by an agency that has received an electronically filed statement from a filer pursuant to this section.

(h) A city or county shall not continue to use an electronic filing system if the Commission does not approve and certify that electronic filing system as complying with the requirements of the Commission's regulations and the other requirements of this section.

(Amended by Stats. 2019, Ch. 315, Sec. 10. (AB 946) Effective January 1, 2020.)

87500.3. (a) The Commission may develop and operate an online system for filing statements of economic interests required by Article 2 (commencing with Section 87200) and Article 3 (commencing with Section 87300). Consistent with Section 87500.4, the online system shall enable a filer to comply with the requirements of this chapter relating to the filing of statements of economic interests and shall include, but not be limited to, both of the following:

(1) A means or method whereby a filer may electronically file, free of charge, a statement of economic interests that includes an electronic transmission that is submitted under penalty of perjury in conformity with Section 81004 of this code and subdivision (b) of Section 1633.11 of the Civil Code.

(2) Security safeguards that include firewalls, data encryption, secure authentication, and all necessary hardware and software and industry best practices to ensure that the security and integrity of the data and information contained in each statement of economic interests are not jeopardized or compromised.

(b) (1) A system developed pursuant to subdivision (a) shall issue to a person who electronically files the person's statement of economic interests, or an amendment to a statement of economic interests, an electronic confirmation that notifies the filer that the filer's statement of economic interests or amendment was received. The confirmation shall include the date and the time that the statement of economic interests or amendment was received and the method by which the filer may view and print the data received.

(2) A paper copy retained by the filer of a statement of economic interests or amendment that was electronically filed and the confirmation issued pursuant to paragraph (1) that shows that the filer timely filed the filer's statement of economic interests or amendment shall create a rebuttable presumption that the filer filed the filer's statement of economic interests or amendment on time.

(c) If the Commission develops an online system pursuant to subdivision (a), it shall conduct public hearings to receive input on the implementation of that system, maintain ongoing coordination among affected state and local agencies as necessary, and continue to develop and provide updated and ongoing training and assistance programs for state and local filing officers and filers regarding use of the online system for filing statements of economic interests.

(d) (1) Except as provided in paragraph (2), the Commission may make all the data filed on the system operated pursuant to subdivision (a) available on the Commission's internet website in an easily understood format that provides the greatest public access, and shall provide assistance to those seeking public access to the information.

(2) Notwithstanding Section 81008 or the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code), the Commission shall redact the following private information from the data that is made available on the internet pursuant to this subdivision:

(A) The signature, telephone number, email address, and mailing address of the filer.

(B) At the request of the filer, the street name and building number of the filer's personal residence address, under either of the following circumstances:

(i) The filer identifies a business entity on their statement of economic interest, and the business entity's address is the same as the filer's personal residence address.

(ii) The filer reports income from renting space to a tenant at the filer's personal residence, and the tenant's address is the same as the filer's personal residence address.

(C) (i) At the request of a filer who is a current elected official or a former elected official who is filing because they have left office, and if the Commission determines the current or former elected official has a reasonable privacy concern related to a family member's name or other personally identifiable information:

(I) The family member's name.

(II) The family member's address.

(III) The address of an entity that employs the family member.

(IV) The name of an entity that includes the family member's name or address in the entity's name.

(ii) The Commission may adopt regulations that define "family member" and "reasonable privacy concern" for purposes of this subparagraph (C).

(Amended by Stats. 2024, Ch. 211, Sec. 5. (AB 1170) Effective January 1, 2025.)

87500.4. (a) If the Commission establishes an online system pursuant to Section 87500.3, the Commission shall specify which categories of persons described in Section 87500 may file statements of economic interests electronically through the online system established by the Commission.

(b) (1) If the Commission, pursuant to subdivision (a), specifies that persons described in Section 87500 may file statements of economic interests electronically through the online system established by the Commission, the Commission, upon authorization by the filing officer designated by Section 87500, shall assume the duties of the filing officer for each filer within each category of filers authorized to file electronically through the online system, irrespective of whether the filer elects to file the filer's statement of economic interests electronically or on paper with the Commission. A filing officer who does not authorize the Commission to assume the filing officer's duties as described in this paragraph shall continue to perform the duties prescribed in Section 81010. The filing officer duties assumed by the Commission with respect to each filer in each authorized category shall include, but not be limited to, all of the following:

(A) Notifying the filer of the filer's filing obligation.

(B) Receiving the filer's statement of economic interests.

(C) Ensuring compliance with filing requirements in the event the filer fails to file in a timely manner or is required to amend the filer's statement of economic interests.

(D) Distributing to filing officers copies of the completed statement of economic interests of a person who is required by this chapter to file more than one statement of economic interests for each period, and who, despite being authorized to file the statement with the Commission electronically, elects to file the statement with the Commission using a paper form.

(2) If the Commission assumes the duties of a filing officer pursuant to this subdivision, the filing officer whose duties are assumed shall provide to the Commission, in a manner prescribed by the Commission, the name and contact information for each filer in the filing officer's jurisdiction.

(c) The Commission shall notify a filing officer who may be affected by a determination of the Commission pursuant to this section to authorize a category of filers to file electronically, no later than six months before the implementation of that determination, in order to allow adequate preparation for implementation.

(d) A person who is required by this chapter to file more than one statement of economic interests for each reporting period and who files the person's statements of economic interests with the Commission electronically after being authorized to do so pursuant to Section 87500.3 is not required to file a statement of economic interests with any other person or agency. If a filer authorized to file electronically with the Commission files with the Commission on paper, the Commission shall distribute copies of the statement to any other filing officers pursuant to subparagraph (D) of paragraph (1) of subdivision (b).

(e) (1) After the Commission makes an initial determination pursuant to subdivision (a) regarding which categories of persons described in Section 87500 are permitted to file statements of economic interests electronically through the online system established by the Commission, the Commission may subsequently revise its determination at any time.

(2) In accordance with Section 87500.3, the Commission shall continue to conduct public hearings and receive input on the implementation of the online system, and that input shall inform any decision by the Commission to revise, pursuant to paragraph (1), its determination of which categories of persons described in Section 87500 are permitted to file statements of economic interests electronically through the online system established by the Commission.

(Amended by Stats. 2021, Ch. 50, Sec. 219. (AB 378) Effective January 1, 2022.)

87505. Each city clerk or county clerk who maintains an Internet Web site shall post on that Internet Web site a notification that includes all of the following:

(a) A list of the elected officers identified in Section 87200 who file statements of economic interests with that city clerk or county clerk pursuant to Section 87500.

(b) A statement that copies of the statements of economic interests filed by the elected officers described in subdivision (a) may be obtained by visiting the offices of the Commission or that city clerk or county clerk, as appropriate. The statement shall include the physical address for the Commission's office and the city clerk's office or the county clerk's office, as appropriate.

(c) A link to the Commission's Internet Web site and a statement that statements of economic interests for some state and local government agency elected officers may be available in an electronic format on the Commission's Internet Web site.

(Added by Stats. 2012, Ch. 498, Sec. 1. (AB 1509) Effective January 1, 2013.)