



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3050 • Sacramento, CA 95811
(916) 322-5660 • Fax (916) 322-0886

To: Chair Silver, Commissioners Baker, Brandt, Ortiz, and Wilson

From: Dave Bainbridge, General Counsel, Legal Division
Simon Russell, Counsel, Legal Division

Subject: Proposed Regulation 18720; Emergency Authority to Extend Annual Statement of Economic Interests Filing Date

Date: February 3, 2025

Executive Summary

Staff is submitting for discussion the proposed Regulation 18720¹ regarding the emergency extension of the annual Statement of Economic Interests (Form 700) filing deadline. The proposed regulation would provide the Fair Political Practices Commission (Commission) with ongoing, streamlined authority to extend the annual filing deadline in response to emergency situations as they may arise or, in the alternative, provide a one-time extension to the 2024 Annual Statement of Economic Interests filing deadline (currently scheduled for April 1, 2025) for designated officials impacted by the Los Angeles and Ventura County wildfires.

Reason for Proposed Regulatory Action

Staff has identified a need for greater flexibility to timely extend the annual Form 700 filing deadline in response to emergency situations, such as the recent wildfires in Los Angeles and Ventura Counties. The Commission can provide that greater flexibility or, in the alternative, provide for a one-time extension to this year's annual Form 700 filing deadline (currently set for April 1, 2025) for officials impacted by the wildfires.

Background

Section 87203 of the Political Reform Act ("the Act") requires designated public officials to file an annual Form 700 disclosing the official's investments, interests in real property, and income. The annual filing deadline is specified by Commission Regulations 18723 and 18730, and typically falls on April 1 each year for the majority of filers.²

¹ The regulations of the Fair Political Practices Commission are contained in Sections 18104 through 18998 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

² Regulation 18723 establishes a March 1 annual deadline for the following offices: Governor, Lieutenant Governor, Attorney General, Insurance Commissioner, Controller, Secretary of State, Treasurer, Superintendent of Public Instruction, members of the Legislature, members of the State Board of Equalization, judges and commissioners of courts of the judicial branch of government, members of the Public Utilities Commission, members of the State Energy Resources Conservation and Development Commission, members of the Fair Political Practices Commission, members of the California Coastal Commission, members of the High-Speed Rail Authority,

Currently, the filing deadline can only be extended by amending the regulation, either through the normal regulation amendment process, or via adoption of emergency regulation pursuant to Code of Regulations, title 2, Section 18312(c)(3), if appropriate. The Commission previously made use of this emergency authority to extend the Form 700 filing deadline in response to the COVID-19 pandemic of 2020, when it adopted the previous Regulation 18720 (repealed 2020).

The purpose of the current proposed Regulation 18720 is to provide the Commission with ongoing, streamlined authority to extend the annual filing deadline in response to emergency situations or, in the alternative, to provide a one-time extension to the 2024 Annual Statement of Economic Interests filing deadline currently set for April 1, 2025, for officials impacted by the Los Angeles and Ventura County wildfires.

Proposed Regulation

Staff is presenting two alternative drafts of proposed Regulation 18720. Option One would provide the Commission with ongoing, streamlined authority to extend the Form 700 filing date on an emergency basis. Option Two would be limited to a one-time extension of this year's filing deadline for officials impacted by the Los Angeles and Ventura County wildfires.

The first version states that the Chair of the Commission may, at their discretion and in response to an emergency situation, extend the deadline for any public official who is required to file an annual Statement of Economic Interests under Regulation 18723 or 18730 for a period of up to 180 days past the deadline specified in those regulations. For purposes of the regulation, "emergency situation" means a condition or degree of emergency as defined in Section 8558 of the Government Code (California Emergency Services Act). A copy of Section 8558 is included with this memo for reference. Further, the first version states that notice of any such extension shall be in writing and reported on a regular or special meeting agenda of the Commission.

The second version states that the annual Form 700 filing deadline for any public official whose primary residence, primary work location, or Form 700 filing office is located within Los Angeles County or Ventura County, shall be extended to June 1, 2025.

Conclusion

The proposed Regulation 18720 would provide the Commission with the flexibility to respond to emergency situations in a timely manner or, in the alternative, would provide needed flexibility to Form 700 filers impacted by the recent wildfires in Los Angeles and Ventura Counties.

Staff welcomes the Commission's feedback on the proposed regulations.

Attachments:

members elected to the Board of Administration of the Public Employees' Retirement System, and members elected to the Board of Administration of the Teachers' Retirement Board.

Proposed Regulation 18720 (Option One)
Government Code Section 8558
Proposed Regulation 18720 (Option Two)