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CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 409

Introduced by Assembly Member Quirk-Silva
(Principal coauthors: Senators Galgiani and Roth)
(*Coauthor: Senator Anderson*)

February 15, 2013

An act to add Sections 87500.3 and 87500.4 to the Government Code, relating to the Political Reform Act of 1974, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 409, as amended, Quirk-Silva. Political Reform Act of 1974: statements of economic interests: online filing.

(1) Existing law, the Political Reform Act of 1974, regulates conflicts of interests of public officials and requires that public officials file, with specified filing officers, periodic statements of economic interests disclosing certain information regarding income, investments, and other financial data. Existing law authorizes agencies to permit the electronic filing of statements of economic interests, in accordance with regulations adopted by the Fair Political Practices Commission.

This bill would authorize the Commission to develop and operate an online system for filing statements of economic interests meeting specified requirements. With certain exceptions, filers would be authorized to use the online system to meet requirements imposed by the act.

(2) The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act’s purposes upon a 2/3 vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 87500.3 is added to the Government
2 Code, to read:

3 87500.3. (a) The Commission may develop and operate an
4 online system for filing statements of economic interests required
5 by Article 2 (commencing with Section 87200) and Article 3
6 (commencing with Section 87300). Consistent with Section
7 87500.4, the online system shall enable a filer to comply with the
8 requirements of this chapter relating to the filing of statements of
9 economic interests and shall include, but not be limited to, both
10 of the following:

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

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

21 (b) (1) A system developed pursuant to subdivision (a) shall
22 issue to a person who electronically files his or her statement of
23 economic interests, or an amendment to a statement of economic

1 interests, an electronic confirmation that notifies the filer that his
2 or her statement of economic interests or amendment was received.
3 The confirmation shall include the date and the time that the
4 statement of economic interests or amendment was received and
5 the method by which the filer may view and print the data received.

6 (2) A paper copy retained by the filer of a statement of economic
7 interests or amendment that was electronically filed and the
8 confirmation issued pursuant to paragraph (1) that shows that the
9 filer timely filed his or her statement of economic interests or
10 amendment shall create a rebuttable presumption that the filer filed
11 his or her statement of economic interests or amendment on time.

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

19 (d) (1) Except as provided in paragraph (2), the Commission
20 may make all the data filed on a system developed pursuant to
21 subdivision (a) available on the Commission's Internet Web site
22 in an easily understood format that provides the greatest public
23 access, and shall provide assistance to those seeking public access
24 to the information.

25 (2) The Commission shall redact private information, including,
26 but not limited to, the signatures of filers, from the data that is
27 made available on the Internet pursuant to this subdivision. The
28 Commission shall develop and implement a policy regarding
29 redaction of private information for the purposes of this paragraph,
30 and shall conduct one or more public hearings to receive input on
31 the development of that policy.

32 SEC. 2. Section 87500.4 is added to the Government Code, to
33 read:

34 87500.4. (a) If the Commission establishes an online system
35 pursuant to Section 87500.3, the Commission shall specify which
36 categories of persons described in Section 87500 may file
37 statements of economic interests electronically through the online
38 system established by the Commission.

39 ~~(b) For each category of persons that the Commission, pursuant~~
40 ~~to subdivision (a), specifies may file statements of economic~~

1 interests electronically through the online system established by
2 the Commission, both of the following shall apply:

3 (1) If the filing officer designated by Section 87500 is the
4 Commission, electronic filing of a statement of economic interests
5 with the Commission pursuant to Section 87500.3 satisfies the
6 requirement imposed by this chapter to file a statement of economic
7 interests.

8 (2) If the filing officer designated by Section 87500 is not the
9 Commission, the designated filing officer, notwithstanding Section
10 87500, may determine that electronic filing of a statement of
11 economic interests with the Commission pursuant to Section
12 87500.3 satisfies the requirement imposed by this chapter to file
13 a statement of economic interests. In the event the designated filing
14 officer makes that determination, the Commission shall assume
15 the duties of the filing officer with respect to each filer who elects
16 to file his or her statement of economic interests electronically
17 with the Commission. The designated filing officer shall provide
18 to the Commission, in a manner prescribed by the Commission,
19 the name and contact information for each filer in the filing
20 officer's jurisdiction. The duties assumed by the Commission with
21 respect to each filer shall include, but not be limited to, all of the
22 following:

23 (A) Notifying the filer of his or her filing obligation.

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

25 (C) Ensuring compliance with filing requirements in the event
26 the filer fails to file in a timely manner or is required to amend his
27 or her statement of economic interests.

28 (e)

29 (b) (1) If the Commission, pursuant to subdivision (a), specifies
30 that persons described in ~~subdivision (e)~~ of Section 87500 may
31 file statements of economic interests electronically through the
32 online system established by the Commission, the Commission,
33 upon authorization by the filing officer designated by Section
34 87500, shall assume the duties of the county clerk with respect to
35 each filer filing officer for each filer within each category of filers
36 authorized to file electronically through the online system,
37 irrespective of whether the filer elects to file his or her statement
38 of economic interests electronically or on paper with the
39 Commission. The county clerk shall provide to the Commission,
40 in a manner prescribed by the Commission, the name and contact

1 ~~information for each filer in the county clerk's jurisdiction. A filing~~
2 *officer who does not authorize the Commission to assume his or*
3 *her duties as described in this paragraph shall continue to perform*
4 *the duties prescribed in Section 81010. The filing officer duties*
5 *assumed by the Commission with respect to each filer in each*
6 *authorized category shall include, but not be limited to, all of the*
7 *following:*

- 8 (A) Notifying the filer of his or her filing obligation.
- 9 (B) Receiving the filer's statement of economic interests.
- 10 (C) Ensuring compliance with filing requirements in the event
- 11 the filer fails to file in a timely manner or is required to amend his
- 12 or her statement of economic interests.

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

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

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

30 (d) *A person who is required by this chapter to file more than*
31 *one statement of economic interests for each reporting period and*
32 *who is permitted to file files his or her statements of economic*
33 *interests with the Commission electronically after being authorized*
34 *to do so pursuant to Section 87500.3 is not required to file a*
35 *statement of economic interests with any other person or agency,*
36 *except as required by a filing officer other than the Commission.*
37 *agency. If a filer authorized to file electronically with the*
38 *Commission files with the Commission on paper, the Commission*
39 *shall distribute copies of the statement to any other filing officers*
40 *pursuant to subparagraph (D) of paragraph (1) of subdivision (b).*

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

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

15 SEC. 3. The Legislature finds and declares that this bill furthers
16 the purposes of the Political Reform Act of 1974 within the
17 meaning of subdivision (a) of Section 81012 of the Government
18 Code.

19 SEC. 4. This act is an urgency statute necessary for the
20 immediate preservation of the public peace, health, or safety within
21 the meaning of Article IV of the Constitution and shall go into
22 immediate effect. The facts constituting the necessity are:

23 In order to authorize the Fair Political Practices Commission to
24 develop an online system for the filing of statements of economic
25 interests at the earliest possible time in order to increase
26 transparency in the finances of public officials and guard against
27 conflicts of interests, it is necessary that this act take immediate
28 effect.