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Elections

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Elections

Elections; candidate income disclosures

Government Code § 87201 (amended).
AB 1075 (Clute); 1991 STAT. Ch. 1141

Existing law requires elected officers¹ to disclose, on the date of assuming office and annually thereafter, investments, real property interests, and income² earned during the prior twelve months.³ Existing law also requires every candidate for office, other than a justice of an appellate or the supreme court, to file a statement disclosing his or her investments and his or her interests in real property no later than the final filing date for declaring candidacy.⁴ Chapter 1141 further requires candidates⁵ for elected office⁶ to

1. See CAL. GOV'T CODE § 82020 (West 1987) (defining elected officer).

2. See *id.* § 82030 (West Supp. 1992) (defining income as a payment received, including but not limited to, any salary, wage advance, dividend, interest, rent, proceeds from a sale, gift, loan, forgiveness, or payment of indebtedness received by the filer, reimbursement for expenses, contribution to an insurance or pension program by any person other than an employer, and any property interest or income of a spouse); see also *id.* § 82030.5 (West Supp. 1992) (defining earned income).

3. *Id.* §§ 87202(a), 87203 (West 1987 & Supp. 1992); see *id.* §§ 37206, 87206 (West 1987 & Supp. 1992) (specifying required contents of statement concerning income, investments, and interests in real property). With some exceptions, statutes requiring disclosure of investments, interests in real estate and income have withstood constitutional attack based on equal protection, privacy and separation of powers grounds. John E. Theuman, *Validity and Construction of Orders and Enactments Requiring Public Officers and Employees, or Candidates for Office, to Disclose Financial Condition, Interests, or Relationships*, 22 A.L.R. 4th 237, 241-54 (1991).

4. CAL. GOV'T CODE § 87201 (amended by Chapter 1141).

5. See *id.* § 82007 (West 1987) (defining candidate).

6. See *id.* § 82023 (West 1987) (defining elective office).

disclose any income received during the immediately preceding twelve months.⁷

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Elections; confidentiality of voter registration data

Elections Code § 29207 (repealed and new); § 608 (new); § 615 (amended); Government Code § 6254.4 (repealed and new).

SB 18 (Lockyer); 1992 STAT. Ch. 2

7. *Id.* § 87201 (amended by Chapter 1141); *see id.* (providing that candidates for justices of an appellate or the supreme court are not required to file this statement); *cf.* ARIZ. REV. STAT. ANN. §§ 38-542, 38-543 (West 1985) (requiring candidates for public office to file a financial disclosure statement covering income earned during the preceding 12 month period); FLA. STAT. ANN. § 112.3144 (West Supp. 1992) (requiring incumbents, candidates, and appointees to all public offices to file a full public disclosure of their personal assets); HAW. REV. STAT. § 84-17 (1985) (requiring that candidates for state elective office, including candidates for election to the constitutional convention disclose their financial interests); LA. REV. STAT. ANN. § 42:1124 (West 1990) (requiring the full disclosure of all sources of income in excess of one thousand dollars for the gubernatorial candidate and his spouse); MINN. STAT. ANN. § 383B.041 (West 1989) (requiring all candidates and elected officials in Hennepin County to disclose their economic interests); NEV. REV. STAT. § 281.561 (1991) (requiring all public and judicial candidates to file a statement of financial disclosure); N.J. STAT. ANN. § 19:44B-2 (West 1990) (requiring only candidates for governor, senate, and general assembly to file a financial disclosure statement); OHIO REV. CODE ANN. § 102.02 (Page 1991) (requiring every elected person or candidate for a state, county, or city office or the office of member of the United States Congress, and every appointee to such offices to disclose all sources of income over five hundred dollars); OKLA. STAT. ANN. tit. 74, §§ 4223-4225 (West Supp. 1992) (requiring all candidates required to declare candidacy to disclose their economic interests); PA. STAT. ANN. tit. 65, § 404 (Supp. 1991) (requiring state, county, or local office candidates to file a statement of financial interests for the preceding year); W. VA. CODE § 3-1A-7 (1990) (requiring candidates for state, county or municipal office, county school board, district school board, or superintendent to file a financial disclosure statement).

Under existing law, political parties,¹ candidates,² and municipalities can obtain the voter registration index³ for each county.⁴ Chapter 2 requires an application for voter indexes to include information about the applicant, a statement regarding the intended use of the index, and a certification, under penalty of perjury, that the application is true and correct.⁵ Chapter 2 also declares that the use or acquisition of voter registration information without complying with these requirements is a misdemeanor.⁶

Prior law allows judges, court commissioners, district attorneys, public defenders, peace officers employed by the Department of Corrections or California Youth Authority, and spouses of such peace officers to request that their voter registration information be kept

1. See CAL. ELEC. CODE § 9951 (West 1977) (establishing the procedures for the formation of a political party); see also *id.* § 8500 (West 1977) (establishing provisions applicable to the Democratic Party); *id.* § 9000 (West 1977) (establishing provisions applicable to the Republican Party); *id.* § 9600 (West 1977) (establishing provisions applicable to the American Independent Party); *id.* § 9750 (West 1977) (establishing provisions applicable to the Peace and Freedom Party).

2. See *id.* § 604.5 (West 1977) (defining candidate as a person who declares in writing, under penalty of perjury, that he or she is a candidate for a named office).

3. See *id.* § 600(a) (West Supp. 1992) (requiring each county clerk to print a complete index, by precinct, of voter registration affidavits); *id.* § 600(b) (West Supp. 1992) (requiring the index to include name, address, residence telephone number if furnished, and political affiliation of each registered voter).

4. *Id.* § 603 (West 1977); see *id.* (requiring a county clerk to supply the index to the clerk of a city, school district, or other body); *id.* § 604 (West 1977) (requiring a county clerk to supply up to two (2) copies of the index to any member of the Legislature or Congress, any candidate who is to be voted for in the county, a city therein, or other political subdivision, and upon written demand by a campaign committee); *id.* § 605 (West Supp. 1992) (requiring the county clerk to supply the index upon written request by the chairman or vice chairman of a state central committee or of the chairman of a party county central committee). See generally NEV. REV. STAT. § 293.557(1) (1990) (requiring each county clerk in a county of greater than 100,000 residents to publish, in a newspaper, a list of all registered voters); *id.* § 293.800(2) (1990) (declaring that any public officer who willfully neglects his or her duty in such a way as to hinder the objects and purposes of the election laws is guilty of a gross misdemeanor); ARIZ. REV. STAT. ANN. § 16-168(C) (1991) (requiring each county recorder to distribute a precinct register that includes the name, address, and other information about each registered voter); *id.* § 16-168(F) (1991) (declaring that a person in possession of a precinct register and using the register in violation of the election laws is guilty of a class 2 misdemeanor).

5. CAL. ELEC. CODE § 608(a)-(e) (enacted by Chapter 2); see *id.* § 608(b)(1)-(3) (enacted by Chapter 2) (requiring the application to include the applicant's name, residence, business, or postal address, and telephone number, if applicable); *id.* § 608(c)(1)-(2) (enacted by Chapter 2) (requiring additional information if the application is made on behalf of a person other than applicant); *id.* § 608(d) (enacted by Chapter 2) (requiring a statement of the intended use of the information); *id.* § 608(e) (enacted by Chapter 2) (requiring certification of truth and correctness).

6. *Id.* § 29207(b) (enacted by Chapter 2).

confidential.⁷ Chapter 2 repeals and reenacts the prior law discussed above, and expands the persons allowed to make such a request to include active or retired magistrates, deputy district attorneys, or deputy public defenders, and peace officers.⁸ Chapter 2 further establishes procedures for the release of confidential voter information.⁹ Additionally, Chapter 2 states that the knowing use of voter information for any purpose other than that provided by law is a misdemeanor.¹⁰

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7. 1989 Cal. Legis. Serv. ch. 680, sec 2, at 2026 (West) (enacting CAL. GOV'T CODE § 6254.4) (repealed and reenacted by Chapter 2). The specific persons that were eligible for confidentiality of voter registration information include: (1) Any active or retired judge or court commissioner; (2) any active or retired district attorney or assistant district attorney; (3) any active or retired public defender or assistant public defender; (4) any active peace officer as defined by California Penal Code provided they are employed by the Department of Corrections or California Youth Authority; and (5) the spouse or child living with a peace officer. *Id.*

8. CAL. GOV'T CODE § 6254.4(a)(1)-(5) (enacted by Chapter 2). The peace officers that may request confidentiality include especially those officers defined in §§ 830.1, 830.2, and 830.5 of the Penal Code. *Id.* (enacted by Chapter 2); *see* CAL. PENAL CODE § 830.1(a) (West Supp. 1992) (stating that sheriffs employed by counties and police officers employed by cities or other authorized districts are peace officers); *id.* 830.2(a)-(e) (West Supp. 1992) (providing that members of the California Highway Patrol, California State Police Department, University of California Police Department, California State University and College Police Department, and the Law Enforcement Liaison Unit of the Department of Corrections are peace officers if their primary duty is to enforce state law in their jurisdiction); *id.* § 830.5 (a)-(b) (West Supp. 1992) (stating that peace officers include selected employees of the Department of Corrections, Youth Authority, and Youthful Offender Parole Board); *see also* *Law Shielding Officials on Voter Rolls is Signed*, L.A. TIMES., Sept. 23, 1989, at 32 (reporting the content and passage of Chapter 2).

9. CAL. ELEC. CODE § 615 (b)-(c) (amended by Chapter 2) (providing that confidential voter information can be released when the vote of a person with confidential status is challenged, and when a person with confidential status files a declaration of candidacy for a contested office).

10. *Id.* § 29207(a) (enacted by Chapter 2).