



November 15, 2021

UC Legal

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Fair Political Practices Commission  
Attn: Chair Miadich and Commissioners  
Fair Political Practices Commission  
1102 Q Street, Suite 3000  
Sacramento, CA 95811

**Re: Commission Meeting: November 18, 2021  
Item 9  
Regulations 18104, 18115, 18115.2, 18723.1, 18757**

CAMPUSES

- Berkeley
- Davis
- Irvine
- UCLA
- Merced
- Riverside
- San Diego
- San Francisco
- Santa Barbara
- Santa Cruz

Dear Chair Miadich and Commissioners of the Fair Political Practices Commission:

We are a filing officer and the Executive Director of the office that promulgates policy governing the filing of Statements of Economic Interest for Principal Investigators (Forms 700-U) for the University of California (UC) system. We write to express appreciation for the Commission's proposal to facilitate the ability of state entities to accept digital signatures on Statements of Economic Interest, and to request an amendment to the proposed regulations that we believe would better accomplish that goal. The rationale for our proposed amendment is described below, and our proposed amending language is attached.

MEDICAL CENTERS

- Davis
- Irvine
- UCLA
- San Diego
- San Francisco

**Thousands of Statements of Economic Interest Are Filed at the University**

The UC system consists of 10 campuses, five medical centers, and a national laboratory. Every year, the University of California receives and processes thousands of Statements of Economic Interest -- both Form 700s, filed by Designated Officials, and Form 700-U's, filed by research Principal Investigators at each campus. In any given year, we estimate we have over 2,300 Form 700 filers and over 5,000 Form 700-U principal investigator filers, each of whom may submit multiple filings (in the case of Form 700, Annual, Assuming Office, and Leaving Office Statements, and in the case of Form 700-U, Initial Statements for each research project undertaken as well as Interim Statements). Every year, our filing officer staff receive over 10,000 separate Form 700s and Form 700-U's. The UC has one FPPC-certified electronic filing system for its Form 700 filers, and four separate FPPC-certified electronic filing systems for its principal investigators at UC Berkeley, UC Davis, UC San Diego, and UC Santa Barbara. (Because Form 700-U's are filed on a research project by research project basis, as opposed to annually for the Form 700s, the UC cannot use the off-the-shelf Form 700 electronic filing system for the Form 700-U filers.)

NATIONAL LABORATORIES

- Lawrence Berkeley
- Lawrence Livermore
- Los Alamos

As recognized by the proposed regulations, some filers are hindered by the trouble of printing and mailing the wet signature copy to the filing office (for those jurisdictions that do not have a FPPC-certified electronic filing system) or are confused about how to log on and fill out the fields in the electronic filing system. The pandemic has exacerbated these difficulties. The proposed FPPC regulations, by creating a new method to file by "digital signature" via an official agency's email address (Proposed

FPPC Ltr. to Chair Miadich & Commissioners  
November 15, 2021  
Page 2

FPPC regulation 18104(b)(2)), go a long way to make filing easier and facilitate timely compliance with the applicable filing requirements.

**Requested Change to the Draft Regulations: Allow Filing Officers the Option to Use Both Electronic Filing Systems (Alternative Language Attached)**

We ask that the proposed regulations be amended to give filing officers the choice to have both an existing FPPC-certified electronic filing system and new digital signature method in their tool box. In other words, we ask that filing officers be given the option to allow a filer to file either via an existing FPPC-certified electronic filing system OR via a digital signature that meets the requirements set out in the proposed regulation. Currently, the proposed regulations allow a digital signature only “[i]f a valid electronic filing system is not available.” Proposed Regulation 18104(b)(2).

As currently written, the proposed regulations would impede jurisdictions that currently have an FPPC-certified “valid electronic filing system” from allowing their filers to use a digital signature to file their Forms 700 and 700-U's. There may be circumstances where even a campus with a certified system would like to permit filers to use a digital signature, either in exceptional cases or routinely, to simplify the filing process and thereby, to facilitate compliance. We can foresee in the future an experimental phase where a campus will try compare its existing FPPC approved “valid electronic filing system” with the new “digital signature” method to determine which is obsolete, viable, or in need for improvement. The proposed regulation prohibits that exploration and development.

We can imagine that some entities who have invested time and money in creating their own FPPC-approved “valid electronic filing system,” may prefer their filers to continue to use that single system for electronic filing. But jurisdictions should be given the flexibility to be able to choose to accept Form 700s via any of the three filing methods -- wet-ink, filing through an FPPC-approved electronic system, and digital signature -- if they believe that would facilitate timely and efficient filing by their public officials.

Transparency into the financial interests of our public officials is the highest purpose of the Political Reform Act. Filing officers throughout the state are the front line for enforcement and compliance with the Political Reform Act. Please do not limit the number of tools in their tool kits so that they can do their jobs on behalf of the people of California.

Sincerely,



Deborah Motton  
Executive Director  
Research Policy Analysis and Coordination

DocuSigned by:

*Dan Scannell*

Dan Scannell

Coordinator and Filing Officer  
UC Legal

Attachments: Proposed changes to draft Regulations 18104, 18757

1 UC Proposal Adopt 2 Cal. Code Regs. Section 18104 as follows:

2 **18104. Secure Electronic Signatures**

3 (a) Except as otherwise provided by law, all original reports, statements, forms, and other  
4 documents under the Act may be submitted either:

5 (1) In paper format with the filer’s handwritten signature; or

6 (2) In electronic format with the filer’s secure electronic signature if permitted by the  
7 filing officer.

8 (b) A “secure electronic signature” means an electronic signature, as defined in  
9 subdivision (h) of Section 1633.2 of the California Civil Code, that:

10 (1) Is submitted through an electronic filing system established and operated in  
11 accordance with the Act; or

12 (2) ~~If a valid electronic filing system is not available, is [Is]~~ submitted via the official’s  
13 agency email address and conforms to the definition and attributes of a “digital signature” as set  
14 forth in Section 16.5, specifically it is:

15 (A) Unique to the person using it;

16 (B) Capable of verification;

17 (C) Under the sole control of the person using it;

18 (D) Linked to data in such a manner that if the data are changed, the digital signature is  
19 invalidated; and

20 (E) Conforming with Title 2, Division 7, Chapter 10 of the California Code of  
21 Regulations, as applicable.

22 Note: Authority cited: Section 83112, Government Code. Reference: Sections 81004,  
23 Government Code.



1 UC Proposal Adopt 2 Cal. Code Regs. Section 18757 as follows:

2 **18757. Statements of Economic Interests; Filing an Original Statement of Economic**  
3 **Interest in Electronic Format Without a Certified Electronic Filing System.**

4 (a) As used in Sections 87500.2 and 87500.3, the term “electronic filing” refers to the  
5 specific method of filing an original statement of economic interests through an electronic filing  
6 system used or certified by the Commission.

7 (b) ~~Where an official is unable to submit an original statement of economic interests~~  
8 ~~through a certified electronic filing system~~ [If permitted by the official’s agency’s filing  
9 officer,] the official may submit the original statement with a

10 secure electronic signature, as defined in Regulation 18104(b)(2), via the official’s agency email  
11 address, if permitted by the filing officer.

12 Note: Authority cited: Section 83112, Government Code. Reference: Sections 81004, 87500,  
12 87500.2, 87500.3, 87500.4, Government Code.