

Guidance on Conflicts of Interest

The clear intent of the Voters FIRST Act (Act) is to establish a Citizens Redistricting Commission (Commission) whose work is open to public scrutiny and whose members are as free from partisan political influence as possible. To achieve that goal, the Act makes certain individuals ineligible to serve on the Commission. This document describes how these requirements operate. Individuals who are completing the supplemental application should read this information before completing the questions related to **Immediate Family Information**.

Limitations based on activities prior to applying: the Act makes an applicant ineligible to serve on the commission if, during the 10 years immediately prior to the date of applying to serve on the commission, the applicant or a member of his or her immediate family as defined for this purpose, have engaged in any of the following political activities:

- been appointed by the Governor, a member of the Legislature, or a member of the State Board of Equalization to any California state office;
- held an appointed California state office at the pleasure of the Governor, a member of the Legislature, or a member of the State Board of Equalization;
- been elected to, or a candidate for any California state office;
- been appointed by the Governor, elected to, or a candidate for a seat in the United States Senate or House of Representatives that is elected from California;
- served as an officer, employee, or paid consultant of a political party operating in California
- served as an officer, employee, or paid consultant of the campaign committee of a candidate for elective state office in California or for a seat in the United States Senate or House of Representatives that is elected from California;
- served as an elected or appointed member of a central committee of a political party operating in California;
- been a lobbyist registered with the United States Senate, the United States House of Representatives, the California Secretary of State, or any local jurisdiction within California;
- been employed by and received compensation from the Congress of the United States to provide services to a member elected from California;
- been employed by and received compensation from the Legislature or the State Board of Equalization;
- contributed \$2,000 or more during any calendar year to any candidate for a seat in the United States Senate or House of Representatives that is elected from California;
- contributed \$2,000 or more during any calendar year to any candidate for California elective state office or any regional, county, municipal, district, or judicial office in California that is filled by an election.

To understand how these limitations operate, it is extremely important to understand what the phrase **member of his or her immediate family** means. This phrase has been given a somewhat unique meaning for purposes of the Act. A member of an applicant's immediate family is an applicant's spouse,

registered domestic partner, parent, child, sibling, or in-law (which includes the applicant's father in-law, mother in-law, son in-law, daughter in-law, brother in-law, and sister in-law through marriage or domestic partnership) with whom the applicant has a special, or bona fide, relationship. A person has a bona fide relationship with a member of his or her family member if any of the following are true:

- within the preceding 12 months: the applicant and family member have cohabited for a period or periods totaling 30 days or more;
- within the preceding 12 months, the applicant and family member have shared ownership of any property having a value of \$1,000 or more;
- within the preceding 12 months, the applicant has given to or received from the family member a financial benefit or benefits totaling \$1,000 or more.

This means that an individual is ineligible to serve on the commission if a member of his or her immediate family, with whom the individual has a special relationship, based on one or more of the three factors listed above, has engaged in the political activities listed above.

Let's look at two examples of how this would work.

Example 1: Applicant A wishes to apply for service on the Commission. Applicant A's mother was appointed by the governor to serve on the Public Utilities Commission, in 2004. An appointment to the Public Utilities Commission is considered an appointment to state office.

To determine whether Applicant A is ineligible because of his mother's appointment to a state office, we need to determine whether Applicant A has a special relationship with his mother, as defined by the three factors listed above.

Assuming that Applicant A and his mother have not cohabited for 30 days or more, that Applicant A and his mother do not have shared ownership of property having a value of \$1,000 or more, or that Applicant A has neither given to, or received from, his mother, a financial benefit totaling \$1,000 or more in the preceding 12 months, Applicant A is not disqualified on the basis of his mother's political appointment.

It is very important to recognize that although you may have a family member who has been involved in one or more of the political activities listed earlier, you will only be ineligible to serve on the commission because of your family member's political activities if you have a special relationship, based on one or more of those three factors listed above.

Example 2: Now let's add a slightly different twist. Applicant B is also very interested in serving on the Commission. Applicant B has a brother who was appointed by the governor to serve on the state Agricultural Labor Relations Board. Applicant B and his brother also happen to jointly own a restaurant business that is worth well over \$1,000.

In this case, Applicant B is ineligible to serve on the commission because he and his brother, who has been appointed by the governor to serve on a state board, have the kind of special, or bona fide relationship, that makes Applicant B ineligible to serve.

Limitations based on current relationships: certain individuals, because of their employment, contractual, or familial relationship to certain public officials, are not eligible to serve on the commission, as follows:

- any person who serves as staff or as a consultant to, or is under contract with the governor, a Member of the Legislature, a Member of the State Board of Equalization, or a Member of the United States Senate or House of Representatives elected from California, is not eligible to serve on the commission;
- any person who has an immediate family relationship with the Governor, a Member of the Legislature, a Member of the State Board of Equalization, or a Member of the United States Senate or House of Representatives elected from California, is not eligible to serve on the commission.