



STATE OF CALIFORNIA  
FAIR POLITICAL PRACTICES COMMISSION

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**To:** Chair Miadich and Commissioners Cardenas, Hatch, and Hayward  
**From:** TJ Jones, Executive Director  
Kevin Cornwall, Commission Counsel  
**Subject:** Proposed Rule for Speakers' Use of Audio/Visual Equipment at FPPC Meetings  
**Date:** October 8, 2019

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## INTRODUCTION

At its September meeting, the Commission adopted rules pertaining to public participation at its meetings. An additional rule was proposed by a Commissioner that would require advanced permission to use audio/visual (“A/V”) aids by a speaker.<sup>1</sup> Ultimately, the Commission voted to have staff draft proposed language for such a rule for its consideration.

## PROPOSED RULE

If the Commission chooses to adopt an additional rule regarding speakers' use of audio/visual equipment at meetings, staff proposes the following language:

*Any speaker who wishes to use any electronic or mechanical audio/visual equipment for purposes of public presentation shall seek permission from the Chair no later than 24 hours in advance of the meeting at which such equipment is intended to be used. The Commission shall make reasonable efforts to accommodate such requests that will not otherwise cause a disruption or delay in the meeting, which reasonable efforts shall include accommodating any necessary electronic or mechanical (1) translation equipment, and/or (2) equipment necessary to facilitate live public comment from anyone with a disability. Nothing herein should be interpreted as abridging any right or protection afforded by the Americans with Disabilities Act of 1990, or any other state or federal law.*

## DISCUSSION

The proposed language would clarify that speakers need advance permission from the Chair before permissibly using A/V equipment at a Commission meeting. The language also clarifies that the requirement does not abridge any rights of any speaker with respect to the Americans with Disabilities Act. Finally, the proposal is compliant with the Bagley-Keene Act and the APA.

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<sup>1</sup> During the September meeting, it was suggested that the proposed rule might also apply to written materials as well as mechanical and electronic A/V equipment. However, with respect to the Commission's consideration of regulations, this requirement would not satisfy the 1974 Administrative Procedures Act (“APA”). Section 11425 of the APA provides that the Commission, “on the date and at the time and place” of the meeting, must give speakers, “the opportunity to present statements, arguments, or contentions in writing, with or without opportunity to present the same orally. The state agency shall consider all relevant matter presented to it before adopting, amending or repealing any regulations.” (Emphasis added).