

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations.)

§ 18310.1. Public Participation at Meetings.

During Commission meetings, the following rules regarding public participation apply:

(a) Time.

(1) A member of the public will have a maximum of three minutes to speak per agenda item.

(2) A member of the public who requires translation or interpretive services will have a maximum of six minutes to speak per agenda item.

(3) The Chair may modify the amount of time members of the public are allocated for individual comments, depending on the number of speakers. A change to the amount of time allocated for individual comments will apply equally to all speakers.

(4) A member of the public may cede time to an individual spokesperson, under the following conditions:

(A) A member of the public who chooses to cede time forfeits the right to speak on the agenda item.

(B) A designated spokesperson will be provided a maximum of five minutes to address the Commission on the agenda item.

(5) If a speaker is interrupted by a question or comment from a member of the Commission, the Chair may offer a reasonable extension of the allotted time so the speaker may finish the comment or respond to Commissioner questions.

(6) The Chair may limit the total amount of time allocated for items not on the agenda or for a particular agenda item and may publish such limitations in advance on the agenda for the meeting.

(7) If the total amount of time allocated for public comments is limited by the Chair, individuals who do not receive the opportunity to speak due to the expiration of the allocated time may submit comments in writing during the meeting, and such comments will be made part of the record.

(b) Rules of Organization and Order

(1) Except as otherwise directed by the Chair, public comments at meetings shall be received on a “first come, first serve” basis.

(2) The Chair may take comments out of order.

(3) A speaker shall address only the Commission during public comment and shall not direct comments at other members of the public in attendance, except with express, advance permission of the Chair.

(4) A speaker shall yield the floor to any member of the Commission who wishes to ask a question or otherwise speak during the speaker's comment.

(5) A speaker shall refrain from profane, lewd, abusive, irrelevant, or repetitious commentary to the extent that such commentary is disruptive to the meeting.

(6) A speaker shall limit comments to matters that are subject to the Commission's jurisdiction.

(7) An attorney appearing on behalf of one or more clients, rather than as an individual member of the public, shall disclose that fact at the beginning of the speaker's public comment.

(8) A lobbyist appearing on behalf of one or more clients, rather than as an individual member of the public, shall identify himself/herself and any client who is paying the lobbyist to appear on behalf of the client, at the beginning of the speaker's public comment.

(9) A member of the public may not disrupt any speaker or participant of the meeting through audible comments, gestures, outbursts, or other distractions.

(10) A member of the public may not disrupt any other attendee(s) from viewing, hearing, or legitimately participating in any material portion of the meeting.

(11) A member of the public may not disrupt any videotaping or audiotaping conducted by the FPPC for the public.

(12) A member of the public shall not bring signs, flags, banners, exhibits, marquees, or other demonstrative objects into the meeting room. A member of the public may carry and/or display paper materials no larger than letter-sized paper in the meeting room, provided that such paper materials are displayed below shoulder height, and do not otherwise obstruct the view of any other attendee(s).

(13) If a disruption occurs during a meeting, the Chair may take reasonable steps to stop the disruption and, in the event the disruption continues, the Commission may take other necessary steps, including clearing the room of up to all members of the public and/or adjourning the meeting.

(14) The Chair may require a member of the public to leave the meeting, or limit that individual's opportunity to provide public comment, if that individual has purposefully violated this Regulation or otherwise purposefully disrupted the meeting, or expressly encouraged another to do so.

(15) The Commission may not prohibit a public comment or otherwise enforce this Regulation based on any view expressed, which may include criticism of acts, omissions, policies, programs, or services of the FPPC.

(c) Audio, Video and Text-Based Comments by the Public

(1) A speaker who provides commentary at Commission meetings through audio or video messaging, or text-based comments on the FPPC website, is subject to the same rules as those providing in-person comments at the meeting, except insofar as the medium makes compliance with any rule impracticable, as determined by the Chair.

(2) The Commission recommends that text-based comments not exceed 1,000 characters, and the Chair may impose reasonable character limitations for text-based comments in advance of any meeting.

(3) The Commission may reject and/or “block” any content that is received from a source that is not a human being, such as a software “bot.”

(4) During a meeting, the Chair may reject or limit the public display of a text-based comment where it is reasonably foreseeable the comment would disrupt, unnecessarily delay, or otherwise interfere with the efficient conducting of the meeting. All submitted comments will be preserved and available for public inspection following the meeting.

(5) Any speaker who wishes to use any electronic or mechanical audio/visual equipment for purposes of public presentation must seek permission from the Chair no later than 24 hours prior to 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 translation equipment, and/or 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.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 83110, 83111 and 83112, Government Code.

HISTORY

1. New section filed 5-5-2020; operative 6-4-2020 pursuant to Cal. Code Regs., tit. 2, section 18312(e). Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2020, No. 19).