



STATE OF CALIFORNIA  
FAIR POLITICAL PRACTICES COMMISSION

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**To:** Chair Miadich and Commissioners Cardenas, Hatch, and Hayward

**From:** Dave Bainbridge, General Counsel, Legal Division  
John Feser, Senior Counsel, Legal Division  
Kevin Cornwall, Counsel, Legal Division

**Subject:** Categorization of Material in Chapters 3 and 4 of 2019 Commissioner Manual

**Date:** October 8, 2019

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During its September meeting, the Commission requested that staff review chapters 3 and 4 of the 2019 Commissioner Manual and distinguish language reflective of legal requirements from language that is “aspirational” or reflective of “best practices.” Accordingly, staff has delineated language Commissioners are required to comply with and language reflecting standards Commissioners are “invited” to hold themselves to.

Where the Manual’s language is reflective of legal requirements, staff has used **green** font. Where the language is reflective of best practices, staff has used **blue** font. In some instances, the material could not easily be categorized as “required” or “aspirational.” This primarily occurred when the material involved a nuanced interpretation or discussion of a statute or case law. **Orange** font was used to indicate those instances. Finally, where material was merely informational, and not reflective of legal requirements, best practices, or legal interpretation/discussion, the font was left black.

As is immediately evident, several portions of chapters 3 and 4 include orange font, indicating that the topics are more nuanced than the manual indicates, could be better stated or cited, or could benefit from additional research. Additionally, as noted at the September meeting, there are instances where legal requirements and best practices are presented closely together, such that it may not be immediately clear which standards are required and which are recommended.