

**Vanni, Mark**

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**From:** Campaign Guidance  
**Sent:** Monday, March 29, 2021 2:25 PM  
**To:** [REDACTED] Campaign Guidance  
**Subject:** RE: Campaign Questions Regarding San Jose Election Law

[REDACTED]

Responses to your questions are as follows:

Question 1: The Municipal Code does not prohibit candidates from incurring non-fundraising expenses in connection with his or her election campaign before the campaign contribution period begins. But to be clear, such expenses must be legitimate expenses and not be considered a "contribution," whether monetary or in-kind, as defined under San Jose Municipal Code section 12.05.050 and Government Code section 82015.

Candidates for City office may also contribute or loan their personal funds to their campaign committee prior to the campaign contribution period. However, such contributions are subject to the requirements in San Jose Municipal Code section 12.06.295.

This answer also assumes all appropriate paperwork is filed under California and local law to establish a campaign committee.

Question 2: Yes, the disclosure requirements under SJMC 12.06.1010(C) apply to video and TV ads which include visual and audio aspects. In addition, you may find the following guidance letters helpful:

[January 10, 2020 - San Jose Notice to Voters Requirement](#)

[April 18, 2018 –Merged Disclaimers for Independent Expenditure Committees, Electioneering Communications](#)

Although the City Attorney's Office may provide information on State law as it relates to San José's ethics and election laws, the FPPC is ultimately responsible for interpreting its rules. Relying on advice from the City Attorney's Office is not a defense in an inquiry on whether State law has been violated.

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**From:** [REDACTED]  
**Sent:** Thursday, March 18, 2021 4:41 PM  
**To:** Campaign Guidance <SJElections@sanjoseca.gov>  
**Subject:** Campaign Questions Regarding San Jose Election Law

[External Email]

Hello –

Could you please at your early convenience provide answers to the following questions:

1. Does San Jose Municipal Code section 12.06.290 prohibit a candidate from incurring, but not immediately paying, non-fundraising expenses in connection with his or her election campaign prior to the campaign contribution period set forth therein? For example, may a candidate for city council or mayor hire a firm to produce media to announce his or her candidacy? For purposes of the question, assume that the candidate would register a campaign committee, be billed by the firm, appropriately accrue the related expense, and report when required. The accrued expenses would be paid off only after fundraising began during the campaign contribution period. In the regular course of its business, the media firm is often paid many months after services are rendered. It appears that your letters sent [September 4, 2015](#) and [June 4, 2015](#) are relevant.
2. Do the disclosure requirements found in San Jose Municipal Code section 12.06.1010(C) for spoken electioneering communications apply to video and TV ads which include both visual and audio (i.e., spoken) aspects?

Please feel free to email or call me if I can provide any additional information.

Thank you for your assistance.

[REDACTED]

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