

FW: Campaigning at City Events

CampaignGuidance <SJElections@sanjoseca.gov>

Fri 8/25/2023 12:54 PM

To:Boards and Commissions Support <commissions@sanjoseca.gov>

From: CampaignGuidance <SJElections@sanjoseca.gov>

Sent: Friday, August 4, 2023 3:07 PM

To: 'Pamela Campos' <[REDACTED]>; City Clerk <city.clerk@sanjoseca.gov>

Cc: Elections <elections@sanjoseca.gov>; CampaignGuidance <SJElections@sanjoseca.gov>

Subject: RE: Campaigning at City Events

Good afternoon, Ms. Campos:

1. Please accept the following in response to your question concerning the 2024 San Jose Candidate Elections Guide which contains the following language, "Candidates cannot appear for campaigning purposes as part of a City event, unless it is some kind of candidate forum and all candidates can participate."

The above prohibition aims to protect the City from engaging in the unlawful expenditure of public funds to support or oppose the election or defeat of a candidate, by the voters. The Campaign Guide is not intended to limit the ability of a candidate to attend City events, but rather aims to prohibit public funds being used for political activity. For this reason, candidates may not appear at non-candidate forum City events and introduce themselves as a candidate or disseminate business cards indicating they are running for office:

Alternatively, the City permits any person or organization to use areas outside of a City facility that are open to the public for campaign activity. However, depending on the activity, campaign related events in a City park may need a permit. The City also permits persons or organizations to rent City facilities on the same terms and conditions as any other person or organization, so long as City funds are not spent on publicizing or staffing these private events. The City does not control or prohibit the event from being partisan or used for campaign purposes.

2. In response to your question concerning neighborhood canvassing, the City of San Jose does not restrict candidates, except City officers or employees under certain circumstances, from canvassing their neighborhoods to inform members of their community about an August City-sponsored event. Candidates may disclose their candidacy while canvassing their neighborhood unless the candidate is a City employee actively appearing on behalf of the city, in uniform, or campaigning during working hours.

3. In response to your inquiry concerning the legality of hanging flyers on light posts around the neighborhood, Section 23.04.730 of Chapter 23.04 of Title 23 of the San Jose Municipal Code prohibits the posting or display of any election signs on public property. Under Section 23.02.445, "public property" is defined to include utility poles, street posts, lampposts and other structures. Accordingly, you may not place campaign flyers on lampposts within the City.

Please let me know if you have any additional questions.

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From: Pamela Campos <[REDACTED]>
Sent: Thursday, July 13, 2023 7:00 AM
To: City Clerk <city.clerk@sanjoseca.gov>
Cc: Elections <elections@sanjoseca.gov>; CampaignGuidance <SJElections@sanjoseca.gov>
Subject: Re: Campaigning at City Events

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Good morning,

I would like to follow up on this inquiry and add a couple of additional questions/scenarios. As we work on outreach for the campaign kick-off, would it be permissible to hang up flyers on light posts around the neighborhood (Hang up 1-week in advance, take down the day of the event)? Also, we plan to attend National Night Out on August 01 and are wondering if it would be permissible to attend and share business cards?

I look forward to hearing back.
Kindly, Pamela

On Mon, Jul 10, 2023 at 12:20 PM Pamela Campos <[REDACTED]> wrote:

Good afternoon,

My name is Pamela Campos and I am a candidate running for City Council in 2024, I was reaching out for clarification on what it means to campaign at city events. For example, I like to attend VIVA Parks and other social gatherings to meet people, however, I read in the candidate guide, that there is no campaigning allowed at City-events.

"Candidates cannot appear for campaigning purposes as part of a City event, unless it is some kind of candidate forum and all candidates can participate."

What does campaigning look like? Is it not introducing myself as a candidate? Handing out business cards? Etc. I also plan to canvass my neighborhood to inform the community about an August City-sponsored event (VIVA parks) and am wondering whether in that instance I am allowed to disclose candidacy? If there is someone I can discuss these questions with, it would be greatly appreciated!

Thank you kindly, Pamela

--

Pamela Campos (She/Ella)

Candidate for San Jose City Council District 2 [FPPC#1460783]

Website: <https://pamela4sj.com/>

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"You do not have to be me in order for us to fight alongside each other. I do not have to be you to recognize our wars are the same." - Audre Lorde

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