



# Memorandum

**TO:** HONORABLE MAYOR AND COUNCIL      **FROM:** Vice Mayor Chappie Jones  
Councilmember Sergio Jimenez  
Councilmember David Cohen  
Councilmember Sylvia Arenas  
Councilmember Pam Foley

**SUBJECT:** An Ordinance to Amend San José  
Municipal Code Chapter 12.06 Related to  
Disclosures on Campaign Advertisements

**DATE:** November 12, 2021

Approved by:

Date: 11/12/2021

## **RECOMMENDATION**

Approve the staff recommendations with the exception that the cumulative contribution threshold for “top contributors” shall be reduced from five thousand dollars (\$5,000) to two thousand five hundred dollars (\$2,500).

## **BACKGROUND**

We appreciate the analysis provided by the City Attorney’s Office and agree with the recommendation to amend the Municipal Code to align with State law and impose stricter disclosure requirements. These disclosure requirements will introduce a level of transparency in campaigning that will help voters make informed decisions when evaluating campaign advertisements funded by independent expenditures.

However, we believe that a slightly lower threshold will ensure major donors can be disclosed without complicating the “tie-breaker” mechanism in the event there are too many “top contributors.” Our recommendation is to reduce the threshold to \$2,500. For most individuals, this would be a significant contribution to make to a campaign committee, and it is reasonable to disclose these donors as well on advertisements funded by independent expenditures, if they are among the top 3 contributors.

*BROWN ACT: The signers of this memorandum have not had, and will not have, any private conversation with any other member of the City Council, or that member's staff, concerning any action discussed in the memorandum, and that each signer's staff members have not had, and have been instructed not to have, any such conversation with any other member of the City Council or that member's staff.*