



Office of the City Attorney
RICHARD DOYLE, CITY ATTORNEY

ARLENE SILVA
Deputy City Attorney
Direct Line: [REDACTED]

April 22, 2014

Sent via Email to: [REDACTED]

Re: Disclosure of Electioneering Communications

Dear Mr. Berg:

This letter is in response to your phone call to the City Attorney's office on April 11, 2014 concerning your question regarding the City of San Jose disclosure of electioneering communications. We are responding to your request in writing pursuant to San Jose Municipal Code (SJMC) SJMC Section 12.05.080 which states "that any person may request the City Attorney to provide written advice with respect to the person's duties under the provisions of Chapter 12.05 and Chapter 12.06."

Specifically you have asked clarification as to the requirements of a "street address" in SJMC Section 12.06.1010, and whether the state campaign ID number is required to be listed on printed electioneering communication. Although we answered your questions on the phone, the purpose of this letter is to document your request and our response.

Section 12.06.1010 provides that electioneering communication in printed form paid for by a candidate or candidate controlled committee must include the words "paid for by" immediately followed by the name, street address, and city of the candidate or candidate controlled committee that paid for the communication. The SJMC does not define "street address" but SJMC 12.06.010 provides that the terms and provisions of this chapter shall be interpreted in accordance with the Political Reform Act and the regulations of the California Fair Political Practices Communication (FPPC). California Code of Regulations Section 18421.2 defines "street address" as the street name and building number, and the city, state, and zip code. Therefore, the Municipal Code only requires a physical address, and the campaign headquarter address of a candidate is acceptable to meet the purposes of this requirement.

During your call to our office, you also questioned whether the state required ID number had to be included on printed electioneering communication. We advised that the state ID number is not required by the San Jose Municipal Code. In a previous email, we forwarded you with a FPPC Matrix entitled Political Advertising Disclaimers (attached with this letter). While this letter is intended to interpret only the City's Municipal Code, according to the matrix, the committee ID number is recommended to be displayed but not legally required.

We hope that this addresses your question concerning the City's Campaign Ordinance. Please feel free to call if you have further questions or need clarification with regard to this letter.

Very truly yours,

RICHARD DOYLE, City Attorney

By: 
ARLENE SILVA
Deputy City Attorney

AFS/afs

Enclosures: Political Advertising Disclaimers

cc: City Clerk



Political Advertising Disclaimers

1. Communications by Candidate Committees for their own Election

The disclaimer must include, unless otherwise noted: "Paid for by *committee name*."

Examples: "Paid for by Jones for Assembly 2014"

"Paid for by Friends of Smith for Mayor 2014"

Communication	Manner of Display
All mass mailings - more than 200 (including electronic mail messages, faxes, Twitter feeds)	<ul style="list-style-type: none"> Committee name/address, as on file with Form 410, on outside of mailing. (If no Form 410 on file, use candidate name/address.) Only committee name required on electronic messages No less than 6 pt type/contrasting print color Return envelopes (included in solicitation) – committee's name, address and ID number are recommended but not required
Telephone calls advocating candidate's own election (500 or more) - made by vendors ("robo" calls) or paid individuals	<ul style="list-style-type: none"> Any time during the message Must identify the candidate that paid for the call or an organization authorizing the call that files campaign reports Must state that the call is "paid for by" or "authorized by" the identified candidate or organization Examples: <i>This call was paid for by Senator Jones; This call was authorized by (name of committee)</i> No ID required on telephone calls personally dialed by candidate, campaign manager or volunteers
<p>The Political Reform Act does not require a specific disclaimer on the following communications, although the FPPC recommends placing "paid for by <i>committee name</i>" and committee ID number on all public campaign materials.</p>	
Newspaper, radio and television ads	<ul style="list-style-type: none"> Radio and television advertisements require "paid for by" or sponsor identification under Federal Communications Commission rules Check the Elections Code for newspaper ad requirements
Billboards, yard signs, business cards, door hangers, flyers, posters and websites	<ul style="list-style-type: none"> "Paid for by <i>committee name</i>" and committee ID number are recommended but not legally required

The information on this chart does not carry the force of law. If there are any discrepancies between the chart and the Act or its corresponding regulations and opinions, the Act and its regulations and opinions will control. Communications made by a candidate to support or oppose a ballot measure or other candidates are not addressed in this chart.

References: Government Code Sections: 84305, 84310.
Title 2 Regulations: 18435, 18440.