



Office of the City Attorney
RICHARD DOYLE, CITY ATTORNEY

ARLENE SILVA
Deputy City Attorney
Direct Line: [REDACTED]

April 8, 2014

Sent via Email to [REDACTED]

Re: Disclosure of Electioneering Communications

Dear Mr. Nguyen:

This letter is in response to your email to me dated April 4, 2014 concerning your question regarding the City of San Jose campaign disclosure of electioneering communications. We are responding to your request pursuant to San Jose Municipal Code (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 whether electioneering communication in printed form as identified in SJMC 12.06.1010 requires one to include the street address and city on the communication when the full name of the candidate controlled committee is printed on the communication?

Your request for clarification refers to the following relevant text in the SJMC:

12.06.1010 Disclosure of Electioneering Communications

- A. Every electioneering communication in printed form no larger than 11 inches x 17 inches (or equivalent area for non-rectangular dimensions), 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 in a typeface that is easily legible, contrasts with the background, and is no smaller than twelve-point font. If an acronym is used to specify a committee name, the full name of any sponsoring person of the committee must be included in the notice required by this Section.

Every electioneering communication in printed form larger than 11 inches x 17 inches (or equivalent area for non-rectangular dimensions), 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 in a typeface that is easily legible, contrasts with the background, and is no smaller than 5% of the printable height of the communication.

In your email, you interpret the above language to mean that the address and city is required together with the name of the candidate but that the address and city is not required when the candidate controlled committee is listed.

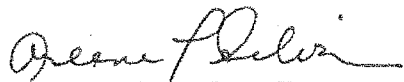
However, our interpretation of the ordinance is that both candidates and candidate controlled committees must provide the name, street address and city on its electioneering communication in print form and in the specified dimensions of the ordinance. The word **MUST** is a direction to candidates or candidate controlled committees. Not all candidates have candidate controlled committees. Some candidates have candidate controlled committees that perform all of the candidate's electioneering communication. This ordinance is intended for **either a candidate or a candidate controlled committee** to provide the disclosure of who paid for such communication.

The ordinance is intended to provide transparency to the public regarding the sources of funds for these types of election communication. To require disclosure by candidates but not by candidate controlled committees would undermine the intent of the ordinance.

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

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