

March 1, 2016

Sent via email only

[REDACTED]

Trevor Raineri
Deputy Campaign Manager
Manh Nguyen For San Jose City Council 2016
[REDACTED]

Re: San Jose Campaign Guidance – Lawn Sign Info

Dear Mr. Raineri:

You have asked the following questions:

1. Whether election signs must be 10 square feet or less?
2. Whether the "paid for by" font must be no smaller than 12 point and no less than 5% of the size of the largest font?
3. Whether the address is needed on the lawn signs?

The answers are as follows:

1. There is no maximum size for election signs and therefore they do not have to be 10 square feet or less.
2. For communication by candidate committees for their own election, the "paid for by" is recommended but not legally required and therefore, there is no requirement as to the font size.
3. There is no requirement that the address of the candidate or candidate controlled committee be printed on signs.

Election signs do not have to be 10 square feet or less. For communication by candidate committees for their own election, the "paid for by" is recommended but not legally required and therefore, there is no requirement as to the font size. The address of the candidate or candidate controlled committee is not required.

San Jose Municipal Code Section 12.06.1000 et seq. regulates communications, including signage, which are published within ninety (90) days prior to an election. The following is a link to the section:

https://www.municode.com/library/ca/san_jose/codes/code_of_ordinances?nodet=1122&node=12.06.1000ELCO

Communication by a Candidate and Candidate Controlled Committees are governed by Section 12.06.1010 A of the Municipal Code while Section 12.06.1010 B governs communications by Independent Committees.

Section 12.06.1010 A provides that except as otherwise provided in this section, disclaimers of electioneering communication shall be made pursuant to the Political Reform Act, California Government Code Section 83100 et seq., as amended. The City, pursuant to changes made in October of 2015, defers to the Fair Political Practices Commission (FPPC) who administers the Political Reform Act for the requirements on campaign signs by Candidate and Candidate Controlled Committees.

Your question asked specifics of electioneering sign size, font and disclosure requirements. The FPPC recommends but does not legally require "Paid for by committee name" and committee ID number to be included in these type of communications.

For your convenience, I have attached the FPPC Matrix entitled Political Advertising Disclaimers for Communication by Candidate Committees for their own Election.

While this letter is intended to interpret only the City's Municipal Code, according to the matrix, none of the following information is required to be included on campaign signs: the name, street address, city of the candidate controlled committee paying for the communication or the FPPC ID number. Furthermore, the FPPC does not regulate the size of yard signs.

Finally, while the City defers to the FPPC for the requirements of disclaimers in electioneering communication, please be advised that electioneering communication which meets the definition of a "sign" as defined in Section 23.02.500 of the San Jose Municipal Code is subject to the provisions of Title 23 of the Municipal Code. Section 23.02.500 defines a "sign" as follows:

23.02.500 - Sign.

"Sign" means any structure, display, device, balloon or graphic on or attached to any land, building or structure, which is used to communicate any message, or which advertises or promotes any business, product, activity, person or interest. Signs include, but are not limited to,

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letters, numbers, words, illustrations, decorations, decals, emblems, trademarks, logos and lights. Signs do not include noncommercial murals otherwise allowed under this Code.

(Ord. 24201.)

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

cc: Toni J. Taber, CMC, City Clerk

Attachment: Political Advertising Disclaimers

NOTE: FPPC UPDATED THIS CHART SINCE THE DATE OF THIS LETTER.



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
<p>All mass mailings - more than 200 (including electronic mail messages, faxes, Twitter feeds)</p>	<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
<p>Telephone calls advocating candidate's own election (500 or more) - made by vendors ("robo" calls) or paid individuals</p>	<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 • <i>Examples: 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>	
<p>Newspaper, radio and television ads</p>	<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
<p>Billboards, yard signs, business cards, door hangers, flyers, posters and websites</p>	<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.