

ARLENE SILVA  
Deputy City Attorney  
Direct Line: [REDACTED]

May 7, 2014

Sent via Email to: [REDACTED]

Re: Question regarding San Jose Municipal Code 12.06.1010

Dear Ms. Titus:

This letter is in response to your email to me dated May 1, 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."

Your client is a state general purpose recipient committee. It plans to do a mailer that constitutes a "member communication" under Government Code Section 85312. You proposed the following disclaimer:

Notice to Voters  
(Required by the City of San Jose)

This electioneering communication is not authorized or approved by any election official.  
It is paid for by (name and committee identification number).  
(Address, city, state).  
Total cost of this mailing is (amount).

In light of state law that "member communication" may be authorized or approved by a candidate, the disclaimer you propose is satisfactory to the City.

Furthermore, since the member communication is a 2-sided "post-card" mailing with a city candidate on side one and a county candidate on side two who is not subject to the City's electioneering ordinance, including the required disclaimer on only side one

with the total cost to reflect the portion allocable only to the city candidate alone fulfills the requirements of SJMC.

We hope that this addresses your questions 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

cc: City Clerk