
From: Campaign Guidance
Sent: Tuesday, May 22, 2018 4:22 PM
To: Elections; Aly Madan; City Clerk
Cc: Campaign Guidance
Subject: RE: Questions about Campaign Finance Requirements - San Jose

Ms. Madan:

Please see my responses to your questions. I'm happy to respond to any additional questions you may have.

1) Does San Jose have any campaign finance laws specifically for local elections, or does it just follow state law?

Generally, the City of San José follows State campaign finance laws. But there are some stricter rules specific to San José found under Title 12 of the San Jose Municipal Code.

2) Are city council elections subject to any city or county-imposed campaign finance restrictions?

Council and Mayoral candidates are subject to a campaign contribution limit. The contribution limits for the 2018 election are \$600 per "person" per election for Councilmember candidates and \$1,200 per "person" per election for Mayoral candidates. (SJMC §12.06.210; Reso. No. 78371.) "Person" means an individual, business entity, foundation, organization, committee or association, nonprofit corporation, and any other organization or group of people acting in concert. (SJMC §12.06.210.)

In addition, there are limits on transferring campaign contributions to other candidates and non-city candidates, as well as limitations on surplus campaign funds and debt retirement. (SJMC §§12.06.410; 12.06.420; Part 7.) Please review Title 12 of the San Jose Municipal Code for additional information.

3) What are the current contribution limits from individuals, PACs, etc. on donations to local candidacies?

See prior response on donation limits to local candidates.

4) Are there any limits on who can contribute to candidates running for local elections? For example, no lobbyists, government contractors, etc.

Generally, the City follows state law with regard to contribution limits from business entities. (SJMC §12.06.250.) However, the City restricts campaign contributions from the City's cardrooms. (SJMC §12.06.260.)

5) Are there any limits on when people can contribute to local candidates? For example anytime except during legislative sessions, or X number of days before/after.

Fundraising cannot occur outside of the campaign contribution period beginning 180 days from the primary election. Please refer to San Jose Municipal Code Section 12.06.290 for all deadlines.

6) Do state committees contributing to local candidates have to report locally?

Yes, if they meet the definition of an independent committee under Title 12, meaning they make independent expenditures totaling \$1,000.00 or more in a calendar year (SJMC §§12.06.040, 12.06.120, 12.06.910.D.)

If you have a link to any resources that you think would be helpful (city code/statutes/campaign finance guide, etc), I'd love to confirm we're utilizing the most updated information.

You might find the City Clerk's elections website and the City Attorney's Campaign Guidance website helpful.

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