

## Duarte, Tracy

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**From:** Campaign Guidance  
**Sent:** Friday, February 14, 2020 4:20 PM  
**To:** [REDACTED]  
**Cc:** Taber, Toni  
**Subject:** Re: Ballot Measure Committee

Mr. Nerenhausen:

Your question regarding what, if any, advertisement disclaimers San Jose requires for advertisements disseminated by ballot measure committees was forwarded to the City Attorney Campaign Guidance email by the City Clerk.

San Jose, under Section 12.06.1000, requires disclaimers on any form of communication, for which payment is made by a candidate or which payment is made by a candidate, controlled committee or independent committee, that refers to a clearly identified candidate for mayor or city council of the City of San José and is disseminated, broadcast, or otherwise published within ninety calendar days prior to an election for which the candidate is on the ballot.

“Independent committee” means all committees other than controlled committees, which includes ballot measure committees, but the disclaimer required under the Municipal Code only applies to those communications referring to a clearly identified candidate for mayor or City Council. If the communication from a ballot measure committee does not refer to a clearly identified candidate for mayor or City Council, only the disclaimer requirements under State law will apply to ballot measure committees.

For additional information related to complying with the City’s disclaimer requirements please refer to the following advice letters:

[January 10, 2020 - San Jose Notice to Voters Requirement](#)

[April 18, 2018 –Merged Disclaimers for Independent Expenditure Committees, Electioneering Communications](#)

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