

From: [Campaign Guidance](#)
To: [REDACTED]
Cc: [Campaign Guidance](#)
Subject: Re: Question re San Jose Code Campaign Finance Ordinance
Date: Tuesday, September 22, 2020 4:42:27 PM

[REDACTED]

One of the purposes of requirement in 12.06.1010(D) is to demonstrate compliance with disclaimers. A copy of the video, or screenshot of the relevant scene, will satisfy compliance. A transcript will also comply if the disclaimer was spoken in the video or there is an indication in the transcript of what text appeared on screen.

Office of the City Attorney, Campaign Guidance
City of San José
200 East Santa Clara Street, 16th Floor Tower
San Jose, CA 95113
Office No: (408) 535-1900
Fax No: (408) 998-3131
SJElections@sanjoseca.gov
<http://www.sanjoseca.gov/index.aspx?NID=4796>

From: Campaign Guidance <SJElections@sanjoseca.gov>
Date: Monday, September 21, 2020 at 1:29 PM
To: [REDACTED]
Subject: FW: Question re San Jose Code Campaign Finance Ordinance

Please see below for response from [REDACTED].

From: [REDACTED]
Sent: Monday, September 21, 2020 10:22 AM
To: Campaign Guidance <SJElections@sanjoseca.gov>
Cc: [REDACTED]
Subject: RE: Question re San Jose Code Campaign Finance Ordinance

[External Email]

Thank you much for the guidance. I have a client with a report due today for a video IE that we are preparing to file. I note that San Jose Code section 12.06.1010(D) also says the 24 hour report for a “printed” form ad must include a copy and a transcript is required for a “spoken” form ad. For an

online video, do we need to “file” a copy of the video or does the same reasoning apply, i.e., a video is not a printed or spoken ad?

Best,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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From: Campaign Guidance <SJElections@sanjoseca.gov>

Sent: Monday, September 21, 2020 10:07 AM

To: [REDACTED]

Cc: [REDACTED]; Campaign Guidance <SJElections@sanjoseca.gov>

Subject: FW: Question re San Jose Code Campaign Finance Ordinance

[REDACTED],

The City Clerk forwarded your questions to the Campaign Guidance hotline. My response is below in red.

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<http://www.sanjoseca.gov/index.aspx?NID=4796>

From: [REDACTED]
Sent: Monday, September 14, 2020 10:42 AM
To: City Clerk <city.clerk@sanjoseca.gov>
Subject: Question re San Jose Code Campaign Finance Ordinance

[External Email]

Good morning,

I am an attorney advising clients on compliance with San Jose's campaign finance rules and I have two questions I was hoping you could answer to help clients comply with San Jose city rules.

First, the city code has an ordinance that requires a special disclaimer for ads in "printed form," including a statement ("Notice to Voters") and a statement of the costs of the "mailer." If a registered city independent committee runs an online video ad containing all of the disclaimers required under state law (paid for by, etc.) for five seconds at the end of the ad covering 1/3 of the screen, am I correct that this is not also a "printed form" ad under the San Jose ordinance that would require the "Notice to Voters" statement and the "mailer" cost statement contained in SJ Mun. Code 12.06.1010(B)? This rule appears to be directed at ads "printed" on paper, especially mailers, and not an online ad otherwise disclosing the name of the city committee responsible for the ad (which also makes public reports, including 24 hour reports, of its activities).

Correct. Printed form covers printed materials. For more information on how to navigate the City's disclaimers please read the following guidance letters:

- [January 10, 2020 - San Jose Notice to Voters Requirement](#)
- [April 18, 2018 - Merged Disclaimers for Independent Expenditure Committees, Electioneering Communications](#)

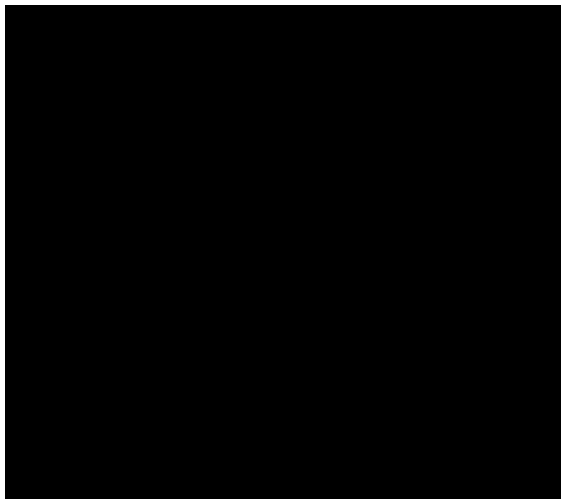
Second, if one element of an online video includes a narrator's voice—again, while containing all disclaimers required under state law identifying the city committee sponsoring the ad for five seconds at the end of the ad, am I correct that this is not also a "spoken form" ad under the San Jose code at 12.06.1010(C) that also requires a verbal identification of the committee at the

end of the ad? This rule seems to be directed at ads that are *only* spoken, such as a radio ad or robocall, which must have a spoken disclaimer if they are to have any disclaimer at all whereas for an online video we would already have a large disclaimer about the sponsor for five seconds at the end of the ad.

Correct. "Spoken form" only covers those communications entirely in spoken form without any visuals accompanying, such as radio advertisements, telephone calls and audio only electronic media advertisements.

Thank you for any guidance you can provide.

Best,



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