

From: [Campaign Guidance](#)
To: [REDACTED]
Cc: [Campaign Guidance](#)
Subject: Response re: Questions on IE and Ballot Measures
Date: Wednesday, September 02, 2020 11:41:48 PM

[REDACTED]:

Your questions were referred to the Campaign Guidance hotline for a response. My answers to your questions are below in red:

1. If an Independent Expenditure (IE) is Candidate-controlled is there different paperwork or disclaimers to fill out for the city of San Jose?

If I understand your question correctly, you are asking about a candidate controlled committee making independent expenditures. If I am not understanding your question correctly, please clarify.

Under the San Jose Municipal Code an candidate controlled committee, even if making independent expenditures, is subject to a contribution limit (\$600 for Council candidates, \$1300 for Mayoral candidates). In addition to any reporting required under State law, candidate controlled committees are also required to disclose the source of personal campaign funds donated from the candidate on the Form 502. The form can be obtained through the City Clerk's office. Candidate controlled committees making independent expenditures in San Jose are also required to comply with the disclaimer requirements under State law. (see Downing Advice Letter A-14-148: <http://www.fppc.ca.gov/content/dam/fppc/documents/advice-letters/1995-2015/2014/14148.pdf>.)

2. Where can I find the requirements/paperwork to add an additional board member to an IE?

All forms pertaining to Independent Expenditures Committees can be found at fppc.ca.gov. Other than those required by State law, the City of San Jose does not require any additional forms to be filed for Independent Expenditure Committees.

3. What is the money threshold for disclaimers in San Jose for a ballot measure?

There is no money threshold for additional disclaimers in San Jose. The monetary thresholds

that trigger certain disclaimers under State law will apply, however. With regard to disclaimer requirements in San Jose, please also review the following advice letters:

January 10, 2020 – San Jose Notice to Voter Requirements:
<https://www.sanjoseca.gov/home/showdocument?id=50503>.

April 18, 2018 –Merged Disclaimers for Independent Expenditure Committees, Electioneering Communications: <https://www.sanjoseca.gov/home/showdocument?id=1578>.

Although the City Attorney’s Office may provide information on State law as it relates to San José’s ethics and election laws, the FPPC is ultimately responsible for interpreting its rules. Relying on advice from the City Attorney’s Office is not a defense in an inquiry on whether State law has been violated. The FPPC provides advice on the requirements of the Political Reform Act through its Advice Line at 1-866-ASK-FPPC (1-866-275-3772) or advice@fppc.ca.gov.

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