

## Vanni, Mark

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**From:** Campaign Guidance  
**Sent:** Monday, March 22, 2021 4:11 PM  
**To:** [REDACTED] Campaign Guidance  
**Subject:** RE: Election Questions

[REDACTED]

The responses to your questions are as follows:

- 1) Is it legal to have a website up at this time for the potential candidate who would like to run?

Yes, it is legal to have a website up at this time for a potential candidate as there is nothing under the San Jose Municipal Code that prevents you from maintaining a website at this time. However, no campaign contributions may be raised or solicited to pay for the website at this time as the campaign contribution collection period has not begun. (SJMC 12.06.290.) Only personal funds may be contributed to your campaign committee bank account and expended through that account for this purpose

In addition, you should review all the requirements under State law for establishing a campaign committee, including the filing of the appropriate campaign intention statement (Form 501 or Form 470), Statement of Organization (Form 410), and establishing a campaign bank account. The FPPC Campaign Manual 2 is a helpful resource ([https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/TAD/Campaign%20Manuals/Manual\\_2/Final\\_Manual\\_2\\_Entire\\_Manual.pdf](https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/TAD/Campaign%20Manuals/Manual_2/Final_Manual_2_Entire_Manual.pdf)).

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.

- 2) Whether 501 registration will entail a confirmation of receipt before we can call IRS for SS-4 number and establish a bank account?

Tax advice is beyond the scope of the campaign guidance hotline. (see SJMC 12.05.080)

- 3) Whether after establishing the bank account, we can collect contributions and start spending it on campaign expenses, (while the local ordinance requires contribution allowance to be between Sept. 5 to March 3) whether the campaign must return the contributions around local contribution allowed time to the contributors, even if the campaign had already spent it? Since campaigns are expensive, and we only return contributions, if any, received around contribution time.

Campaign contributions cannot be solicited or accepted until the campaign contribution period has begun. Under San Jose Municipal Code Section 12.06.290, "No person shall solicit or accept any campaign contribution or deposit any contributions for any campaign into any municipal campaign bank account except during the campaign contribution period." The campaign contribution period for the 2022 primary election begins on the 180th day before the election and ends at 11:59 p.m. on the day before the primary election. The 2022 primary election will be held on June 7, 2022, thus the campaign contribution period begins on December 9, 2021 and fundraising can commence then.

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**From:** [REDACTED]  
**Sent:** Wednesday, March 17, 2021 11:59 AM

To: Campaign Guidance <SJElections@sanjoseca.gov>

Subject: Fwd: Election Questions

[External Email]

On Mon, Mar 15, 2021, 4:02 PM [REDACTED] wrote:

Dear City Attorney of San Jose:

We are thinking of running the 2022 Mayoral of San Jose Campaign. There are a few questions we need to confirm so to be of compliance:

- 1) Is it legal to have a website up at this time for the potential candidate who would like to run?
- 2) Whether 501 registration will entail a confirmation of receipt before we can call IRS for SS-4 number and establish a bank account?
- 3) Whether after establishing the bank account, we can collect contributions and start spending it on campaign expenses, (while the local ordinance requires contribution allowance to be between Sept. 5 to March 3) whether the campaign must return the contributions around local contribution allowed time to the contributors, even if the campaign had already spent it? Since campaigns are expensive, and we only return contributions, if any, received around contribution time.

Thank you so much!

[REDACTED]

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