

**From:** [Campaign Guidance](#)  
**To:** [Dan Kingsley](#); [Campaign Guidance](#)  
**Subject:** RE: San Jose Lobbying Registration Questions  
**Date:** Wednesday, November 03, 2021 10:32:47 AM  
**Attachments:** [image002.png](#)  
[image004.png](#)

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Mr. Kingsley,

Campaign contributions and lobbying are separate activities regulated under different ordinances. You can find the City's Campaign Finance Ordinance here:  
[https://library.municode.com/ca/san\\_jose/codes/code\\_of\\_ordinances?nodeId=TIT12ETOPGOPR\\_CH12.06MUCAOFCO](https://library.municode.com/ca/san_jose/codes/code_of_ordinances?nodeId=TIT12ETOPGOPR_CH12.06MUCAOFCO).

Generally anyone can give a campaign contribution and that act does not require them to be a registered lobbyist as a prerequisite. What will require you to register as a lobbyist will be whether you meet the City's criteria as a lobbyist under the City's Lobbying Ordinance (See [Chapter 12.12](#)). Note, registered lobbyists are required to report their fundraising activities on their reports submitted to the City.

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

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**From:** Dan Kingsley <[REDACTED]>  
**Sent:** Tuesday, November 2, 2021 12:18 PM  
**To:** Campaign Guidance <SJElections@sanjoseca.gov>  
**Subject:** San Jose Lobbying Registration Questions

You don't often get email from [REDACTED]. [Learn why this is important](#)

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Dear City Attorney

I am a developer with a project that will be seeking entitlements in late 2022. My attorney from Holland & Knight has advised me that political contributions are allowed, as long as I am a registered lobbyist (see below). I am unfamiliar with the election laws in San Jose, so I am hopeful you can provide me with your guidance.

Thank you

Dan



Dan Kingsley • SKS Partners

[Redacted]

o [Redacted] • d [Redacted]

[sksre.com](http://sksre.com) •

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**From:** [Redacted] <[Redacted]>

**Sent:** Wednesday, October 13, 2021 10:07 AM

**To:** Dan Kingsley <[Redacted]>

**Subject:** San Jose Lobbying Registration Information

City website with links and FAQs and summary below. The City Clerk is the font of useful knowledge about this program.

[Lobbyist Information | City of San Jose \(sanjoseca.gov\)](#)

[FAQ List | City of San Jose \(sanjoseca.gov\)](#)

[Title 12 - ETHICS AND OPEN GOVERNMENT PROVISIONS | Code of Ordinances | San Jose, CA | Municode Library](#)

- **Determination of Existence of Lobbying Activities**

- Lobbyist and Lobbying Activity

- Per [Section 12.12.180](#) of the SJMC, a Lobbyist includes, among other things, a “contract lobbyist” who engages in ***lobbying activity*** on behalf of one or more clients and who has received or entered into an agreement for ***compensation of \$1,000 or more for any services which include engaging in lobbying*** and ***an “in-house lobbyist”*** which is any person, including an organization if its owners, officers, or employees engage in lobbying activity on its behalf and whose aggregate time engaging in lobbying activities ***totals 10 hours or more during any consecutive 12 month period.***
    - “Lobbying activity” is defined by [Section 12.12.170](#) of the SJMC as *influencing or attempting to influence a ***city official or city official-elect*** with regard to a ***legislative or administrative action of the city*** or redevelopment agency.*
    - "Influencing" means contacting, either directly or indirectly, for the purpose of promoting, supporting, modifying, opposing, causing the delay or abandonment of conduct, or otherwise intentionally affecting the

official actions of the city official or city official-elect, by any means, including, but not limited to providing, preparing, processing, or submitting information, incentives, statistics, studies or analyses.

- "Legislative action" means the drafting, introduction, consideration, modification, enactment or defeat of any resolution, ordinance, amendment thereto, report, nomination or other action of the mayor, city council, redevelopment agency of the city, or city board or commission, or task force or any joint powers authority of which the city is a party.
  - "**Administrative action**" means the proposal, drafting, development, consideration, advocacy, recommendation, adoption, amendment or approval of any rule, regulation, agreement, contract, permit, license or hiring action.
  - "**City Officials**" are:
    - (a) The Mayor and Councilmembers;
    - (b) The Chair and Members of the Successor Agency Board;
    - (c) Council Appointees;
    - (d) The Mayor and Councilmembers' staff (except administrative staff);
    - (e) Members of the Planning Commission, Appeals Hearing Board, and Civil Service Commission;
    - (f) City Manager, Assistant City Manager and Deputy City Managers;
    - (g) Successor Agency Executive Director and his or her Assistants and Deputies;
    - (h) City Department Heads; and
    - (i) City representative to any joint powers authority to which the City is a party.
- \*See FAQ above for current list of City Officials.

- Limited Exemption

- [Section 12.12.020](#) of the SJMC sets out persons/entities exempt from the requirements of the lobbying regulations. The only exemption that seems as though it may apply is the following:

- 12.12.020(e): A person whose attempts to influence governmental action are limited to:
  - Publicly appearing at a meeting, public hearing, or other official proceeding open to the public; and/or
  - Preparing, processing, or submitting documents or writings in connection with the governmental action for use at a public meeting, public hearing, or other official proceeding open to the public.

- Lobbyist Registration

- If an individual/organization is determined to be a lobbyist, they must then register with the City Clerk pursuant to [Section 12.12.400](#) of the SJMC. The registration form can be at the link above. This registration must be renewed by January 15 of each year unless a declaration attesting to the termination of Lobbying Activity is filed before that

date.

- Lobbyist Reporting Requirements
  - After the Lobbyist is registered with the City, the Lobbyist must file a weekly report with the City indicating lobbying activities to occur in the calendar week being reported. This form is available online at the link above once the lobbyist is registered (registered lobbyist log in is required). Instructions on completing the weekly report are also available at the link above.
- Fees and Fines
  - A registration fee (set by City Council) is due at the time of initial registration and at each annual registration renewal thereafter. See link above for current fees.
  - A client fee is assessed for each additional client for whom lobbying activities are undertaken.
  - In the event that a lobbyist is delinquent in its weekly reporting, a fee of \$10 per business day will be assessed for up to 60 business days and then 1.5% monthly interest on the total fee amount thereafter until paid.
- Penalties
  - Each violation of these regulations may result in civil penalties of up to \$5,000.

**Tamsen Plume | Holland & Knight**

*She/Her/Hers*

Partner

Holland & Knight LLP

[Redacted]

[Redacted]

[Redacted] | [www.hklaw.com](http://www.hklaw.com)

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