



CITY OF SAN JOSE, CALIFORNIA

Office of the City Clerk
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Toni J. Taber, CMC
City Clerk

CITY OF SAN JOSE POST JUNE 7, 2022 ELECTION INFORMATION FOR CANDIDATES

Even though the Primary election is over all candidates still have certain obligations depending on the outcome of the election. This guide is intended to help Unsuccessful Candidates, Successful Candidates, and Runoff Candidates understand their post-election obligations.

This guide is not a comprehensive summary of every campaign requirement. It does not, for example, discuss the requirements related to post-election payment agreements, legal defense funds, or election contests. If you have specific questions, you may email the City Attorney's Office for Campaign Guidance at SJElections@sanjoseca.gov.¹ The Fair Political Practices Commission (FPPC) also provides advice on State law requirements through its advice line at 1-866-ASK-FPPC (1-866-275-3772) or advice@fppc.ca.gov.

This guide, and a list of important dates for the Primary and General election, can be found on the [Election Information](#) section of City Clerk's website.

SECTION 1: UNSUCCESSFUL CANDIDATES

Unsuccessful candidates must e-file campaign statements, retire campaign-related debt, and properly dispose of any remaining surplus campaign funds.

Campaign-Related Debts

Candidate-controlled committees may raise funds up to 60 days after the election to retire campaign-related debt.² Any funds raised after the election may only be used to retire campaign related debt and liabilities and any solicitation for funds must indicate that they will only be used for this purpose.³ The campaign contribution limit for the primary election will continue to apply during the 60-day fundraising period. This means if a donor contributed the maximum amount during the primary election, the donor may not contribute again after the election to retire campaign related debt. However, candidates may contribute an unlimited amount from their personal funds to retire their outstanding campaign-related debt.⁴ All campaign-related debt must be retired by the end of the day on December 4, 2022.⁵

Any campaign-related debt, including personal loans, still outstanding after December 4, 2022 will be considered a campaign contribution, accepted at the time the debt was incurred, and subject to the City's campaign contribution limits.⁶ It is a violation of the San José Municipal Code for a candidate or creditor to forgive all or part of a loan or debt that exceeds the City's campaign contribution limits.⁷ However, this prohibition does not apply to the forgiveness of any

personal loans made by the candidate or to any creditor who has made substantial attempts, in good faith, to collect the money owed from the campaign committee.

Surplus Campaign Funds

Campaign funds can generally be spent in any way so long as the expenditure reasonably relates to a legislative, government, or political purpose.⁸ However, there are some limits under the San José Municipal Code. First, city candidates cannot transfer campaign funds to another city or non-city candidate.⁹ Second, city candidates cannot transfer campaign funds to another campaign fund they may have for their use in a different election, unless there was a written disclosure on all materials printed by the candidate's campaign committee during the campaign that informed potential donors that their contributions could be transferred to the candidate's own city or non-city campaigns, at any time, at the candidate's discretion.¹⁰

Finally, campaign funds under the control of a candidate will be considered surplus funds on the ninetieth (90th) day after the end of the postelection reporting period following the election in which the candidate was elected or defeated or from which the candidate withdrew. For the June 7, 2022 primary election, remaining campaign funds will be considered surplus on October 30, 2022.

Surplus funds can only be used for:

- The payment of outstanding campaign debts.
- The repayment of contributions.
- Donations to the general fund of the City or to a bona fide charitable, educational, civic, religious, or similar tax-exempt, nonprofit organization where no substantial part of the proceeds will have a material financial effect on the former candidate or elected officer, any member of his or her immediate family, or his or her campaign treasurer.
- Contributions to a political party committee, provided the campaign funds are not used to support or oppose candidates for elective office. Notwithstanding the preceding sentence, the campaign funds may be used by a political party committee to conduct partisan voter registration, partisan get-out-the-vote activities, and slate mailers as that term is defined under the Political Reform Act.
- Contributions to support or oppose a ballot measure.
- The payment for professional services reasonably required by the candidate controlled committee to assist in the performance of its administrative functions, including payment for attorney's fees and other costs for litigation that arises directly out of a candidate's activities, duties, or status as a candidate, including, but not limited to, an action to enjoin defamation, defense of an action brought for a violation of state or local campaign, disclosure, or election laws, and an action from an election contest or recount.

Terminating Your Committee

The FPPC requires that campaign committees pay an annual fee to the Secretary of State and file semi-annual reports, even if there is no activity. Therefore, it is recommended that candidates terminate their campaign committee once campaign-related debt is retired and surplus campaign funds, if any, are properly distributed.

About a month after the election the Santa Clara County Registrar of Voters will give the City Clerk a final bill or refund for each candidate campaign statement printed in the County Voter Guide. Candidates who printed a campaign statement should keep their committees open until that bill or refund is received.

To terminate a campaign committee, file an original termination [Form 410](#) with the Secretary of State and file a copy with the City Clerk's Office. This form is also available through [eCampaign](#). Candidates must also [e-file](#) a termination [Form 460](#) with the City Clerk's Office using the eDisclosure system. Both forms are provided by the FPPC on its website. Refer to [FPPC Manual 2, Chapter 11](#) (link in [Resources section](#)) for more information on how to terminate a campaign committee.

SECTION 2: SUCCESSFUL CANDIDATES

Candidates who received more than 50% of the vote in the June Primary are elected and will assume office on January 1, 2023.

Like Unsuccessful Candidates, Successful Candidates must e-file campaign statements, retire campaign-related debt, and properly distribute any surplus campaign funds as discussed in [Section 1](#), above.

In addition to the limits on campaign funds discussed in Section 1, Successful Candidates also may not convert their campaign committee into an officeholder account ¹¹ and are advised to terminate their committees as discussed in Section 1.

When Successful Candidates assume office, the City Clerk will provide key Council Policies, an office budget, and work with you to staff and furnish your office. A training session will also be scheduled after the runoff election for all incoming officeholders on Council Policies, the Brown Act, and Code of Conduct.

SECTION 3: RUNOFF CANDIDATES

If no candidate receives more than 50% of the vote, the top two candidates in the primary election will run against each other as Runoff Candidates in an election on November 8, 2022.

Runoff Candidates may transfer their remaining campaign funds from the primary election and use them for the runoff election. And, assuming the campaign committee is not transferring the

funds to a different financial institution, the campaign should continue their campaign reporting as normal with the updated date of election.

Candidates listed on the ballot for the November general election may choose to change their ballot designation used during the primary election. To do so, candidates must submit a written request to the Registrar of Voters' Office no later than 98 days prior to the November election. If a candidate chooses to use a different ballot designation, they must first complete and file a new *Ballot Designation Worksheet* form no later than 12:00 p.m. on August 2, 2022.

Candidates may also choose to submit a statement to be printed in the Voter's Guide for the November election. The statement must be filed and payment made to the Registrar of Voters Office no later than 12:00 p.m. on August 12, 2022. You may resubmit the same candidate statement as you used in June, but you will still need to resubmit it along with a check for the printing estimate.

- \$2,950 for Council District 3
- \$2,900 for Council District 5
- \$2,950 for Council District 7
- \$3,050 for Council District 9
- \$8,850 for Mayor

Runoff Election Campaign Contribution Period

Runoff Candidates may fundraise from June 8, 2022 through November 7, 2022. The runoff election campaign contribution limit is the same as the primary election—\$700 per person for Council candidates and \$1,400 per person for Mayoral candidates. During the runoff election campaign contribution period, Runoff Candidates may solicit campaign contributions from donors who also contributed to their primary election campaign.

After the Runoff Election

Depending on the outcome of the runoff election, Runoff Candidates should refer to the previous Sections for campaign filing requirements, retiring campaign-related debt, distributing surplus campaign funds, and terminating their campaign committee.

SECTION 4: RESOURCES

Office of the City Clerk, City of San José

200 E Santa Clara Street, Tower - 14th Floor, San José, CA 95113

Ph. (408) 535-1260 Fax: (408) 292-6207

Open Monday-Friday 8:00 a.m. - 5:00 p.m.

Email: city.clerk@sanjoseca.gov

Website: <http://www.sanjoseca.gov/index.aspx?NID=5694>

Office of the City Attorney, City of San José

200 E Santa Clara Street, Tower - 16th Floor, San José, CA 95113

Ph. (408) 535-1900 Fax: (408) 998-3131
Open Monday-Friday 8:00 a.m. - 5:00 p.m.
Email: SJElections@sanjoseca.gov
Website: <http://www.sanjoseca.gov/index.aspx?NID=4796>

California Fair Political Practices Commission (FPPC)

FPPC Toll-Free Number 1-866-ASK-FPPC (1-866-275-3772)
Open Monday-Thursday, 9:00 a.m. - 11:30 a.m. & 1:30 p.m. - 3:30 p.m.
Email: advice@fppc.ca.gov
Website: www.fppc.ca.gov
FPPC Manual 2: (http://www.fppc.ca.gov/content/dam/fppc/NS-Documents/TAD/Campaign%20Manuals/Manual_2/Final_Manual_2_Entire_Manual.pdf)

Santa Clara County Registrar of Voters

1555 Berger Drive, Building 2, San José, CA 95112

Open Monday - Friday 8:00 a.m. - 5:00 p.m.

General: (408) 299-VOTE [8683]

Election Officers: (408) 299-POLL [7655]

Toll Free: (866) 430-VOTE [8683]

Chinese: (408) 282-3086

Spanish/Español: (408) 282-3095

Tagalog: (408) 535-3916

Vietnamese/TiếngViệt: (408) 282-3097

Mailing Addresses:

General: P.O. Box 611360, San José, CA 95161-1360

Voter Registration: P.O. Box 611300, San José, CA 95161-1300

Vote by Mail: P.O. Box 611750, San José, CA 95161-1750

Precinct Operations: P.O. Box 612350, San José, CA 95161-2350

Email: registrar@rov.sccgov.org

Website: <http://www.sccgov.org/SITES/ROV/Pages/Registrar-of-Voters.aspx>

California Secretary of State

Political Reform Division

1500 11th Street

Sacramento, CA 95814

Ph. (916) 653-6224

Website: <http://www.sos.ca.gov/>

SouthTech Campaign Disclosure System

CampaignDocs HelpDesk (software-related questions only)

Email both: campaigndocssupport@southtechsystems.com

Website: <http://campaigndocssupport.southtechsystems.com/>

eCampaign Filer Access:

<https://www.southtechhosting.com/SanJoseCity/eCampaign/>

View Campaign Forms:

<https://www.southtechhosting.com/SanJoseCity/CampaignDocsWebRetrieval/>

¹ 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 SJMC §[12.06.290.D](#), amended May 19, 2022: <https://records.sanjoseca.gov/Ordinances/ORD30768.pdf>.

³ §[12.06.710](#).

⁴ §[12.06.295\(E\)](#).

⁵ §[12.06.710\(B\)](#).

⁶ *Id.* at (C).

⁷ *Id.* at (D).

⁸ Gov. Code §§[89512](#), [89513](#).

⁹ SJMC §[12.06.410](#).

¹⁰ §[12.06.720](#).

¹¹ §[12.06.810](#).