

## Roche, Megan

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**From:** CampaignGuidance  
**Sent:** Monday, January 9, 2023 4:05 PM  
**To:** Roche, Megan  
**Subject:** FW: Confirmation of Deb Retirement Deadline - City Council Candidate

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Megan!

Please see the below response to a campaign guidance question ahead of the BFPPC meeting.

Matthew Tolnay

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**From:** CampaignGuidance <SJElections@sanjoseca.gov>  
**Sent:** Monday, January 9, 2023 4:04 PM  
**To:** 'Pirayou, Ash' <[REDACTED]>  
**Subject:** RE: Confirmation of Deb Retirement Deadline - City Council Candidate

Good afternoon,

Pursuant to Section 12.06.290(D.)(2.) of the San Jose Municipal Code, the Debt Retirement Contribution period for the primary election for council or mayor shall end at 11:59 p.m. on the sixtieth day from the date of the primary municipal election. The sixtieth day from the November 8, 2022 election is January 7, 2023.

Thank you,

Office of the City Attorney, Campaign Guidance

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

**From:** Pirayou, Ash <[REDACTED]>  
**Sent:** Monday, January 9, 2023 9:39 AM  
**To:** CampaignGuidance <[SJElections@sanjoseca.gov](mailto:SJElections@sanjoseca.gov)>  
**Subject:** Confirmation of Deb Retirement Deadline - City Council Candidate

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I represent a number of major donors who are from time to time asked by members of the City Council for campaign contributions.

I would like to confirm that the debt retirement deadline for any council member in the General Election would have been 1/7/2023.

Thank you for your help on this matter.

- **12.06.710 - Deadline for debt retirement.**

No money can be collected for debt retirement after the end of the campaign contribution collection periods set forth in [Section 12.06.290](#). Except for an Election Contest or Recount Contribution, money raised during the Debt Retirement Contribution period may only be used to retire campaign-related debts and liabilities. All solicitations for funds made by a candidate or candidate-controlled committee during the Debt Retirement Contribution period must indicate that the funds will only be used to retire campaign-related debt and liabilities.

B.

A candidate must retire all campaign-related debts, including loans, within one hundred eighty days after the date of the election.

C.

A campaign-related debt, including any loan, which remains unpaid more than one hundred eighty days after the election is deemed to have been a campaign contribution which was accepted at the time the debt was incurred.

D.

It is a violation of this section to forgive all or part of a loan or debt which is owed to the person by a candidate and which exceeds the applicable contribution limitations. Forgiveness of a loan or debt shall not be deemed to include the failure to collect the loan or debt where there have been substantial attempts, in good faith, to collect the monies owed and such efforts have proved unsuccessful. In such case, a candidate is not exonerated from violations of this chapter if an outstanding loan or debt exceeds the contribution limitations.

**12.06.290 - Campaign contribution collection periods.**

E.

The **Debt Retirement Contribution** period for the run-off municipal election **for council** or mayor shall:

1.

Begin on the date of the run-off municipal election.

2.

**End at 11:59 p.m. on the sixtieth date** from the date of the run-off municipal election.

**Ash Pirayou**

[Redacted]

O. [Redacted] | D. [Redacted]

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



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