

**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING SECTION 12.06.030 OF CHAPTER 12.06 OF TITLE 12 OF THE SAN JOSE MUNICIPAL CODE TO AMEND THE DEFINITION OF A CANDIDATE TO CONFORM WITH STATE LAW; AND SECTION 12.10.030 OF CHAPTER 12.10 OF TITLE 12 TO PROHIBIT FORMER CITY OFFICIALS AND EMPLOYEES FROM SERVING AS AN OFFICER WITHIN AN INDEPENDENT EXPENDITURE COMMITTEE FOR ONE YEAR FOLLOWING TERMINATION OF OFFICE OR EMPLOYMENT**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. Section 12.06.030 of Chapter 12.06 of Title 12 of the San José Municipal Code is hereby amended and reads as follows:

**12.06.030 Candidate.**

"Candidate" shall mean an individual who:

- A. Is listed on the ballot; or
- B. Has qualified to have write-in votes on their behalf counted by election officials for nomination or election to any elective city office; or
- C. Has given their consent for any other person to receive a contribution or make an expenditure with the intention of bringing about his or her nomination for or election to any elective city office, whether or not the specific elective office for which he or she will seek nomination or election is known at the time the contribution is received or the expenditure is made and whether or not he or she has announced his or her candidacy or filed a declaration of candidacy; or

D. Has filed a form "statement of intention" to be a candidate with the city clerk.

E. An elected officer, including any elected officer who is the subject of a recall.

F. Retains candidate status under subsections A, B, C, D and E until their filing obligations terminate under Section 84214 of the Political Reform Act.

SECTION 2. Section 12.10.030 of Chapter 12.10 of Title 12 of the San José Municipal Code is hereby amended and reads as follows:

**12.10.030 Prohibitions for former officials and designated employees.**

No city or agency official or designated employee, for two years, except as provided herein, after terminating city or agency office or employment, may:

- A. Work on any legislative or administrative matter on which the official or employee worked on behalf of the city or agency during the twelve months prior to termination of service, or which was within the former city or agency official's or designated employee's area of job responsibility. "Work on any legislative or administrative matter" includes, but is not limited to, or providing advice or recommending any action with regard to a city or agency legislative or administrative matter such as a project involving land use, development, or public works. Legislative matters include city council, agency board and city board or commission actions related to ordinances, resolutions, agreements, permits or licenses.
- B. Represent anyone else on any matter, whether or not for compensation, before the city council, redevelopment agency board, any commission thereof, any individual member of the city council, redevelopment agency board, or commission, or any staff of the city or agency.

C. Receive any gift or payment which would be prohibited under Chapter 12.08 from any person who was, in any way, involved in or affected by the work of the official or employee during the twelve months prior to the termination of service.

D. May serve as an officer for an independent expenditure committee expending funds on City campaigns for a period of one year after terminating City office or employment.

PASSED FOR PUBLICATION of title this \_\_\_ day of \_\_\_\_\_, 2023, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

\_\_\_\_\_  
MATT MAHAN  
Mayor

ATTEST:

\_\_\_\_\_  
TONI J. TABER, CMC  
City Clerk