

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING SECTION 12.06.910 OF CHAPTER 12.06 OF TITLE 12 OF THE SAN JOSE MUNICIPAL CODE REGARDING CAMPAIGN DISCLOSURE STATEMENTS AND REPEALING SECTION 12.06.920 OF TITLE 12 RELATED TO THE DUTIES OF THE CITY CLERK

WHEREAS, as required under San José Municipal Code, the Board of Fair Campaign and Political Practices (BF CPP) has made recommendations to the City Council regarding campaign and ethics regulations and policies under Title 12;

WHEREAS, General Purpose Committees, known as Independent Committees under the San José Municipal Code, are only required to complete the “Per Election to Date” column on the Fair Political Practices Commission’s *Recipient Committee Campaign Statement* (Form 460) if required to by local ordinance;

WHEREAS, based on BF CPP recommendation, the City Council desires to require Independent Committees to complete the “Per Election to Date” column when completing their Campaign Statements (Form 460) and itemize all contributions accepted and expenditures made during the campaign contribution collection periods specified in the San José Municipal Code;

WHEREAS, the Council also desires to repeal the requirement, under Section 12.06.920, that the City Clerk prepare and publish a report outlining campaign contributions and expenditures for each candidate, candidate controlled committee, and independent committee because the City’s Public Access Portal already makes this information accessible to the public; and

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. Section 12.06.910 of Chapter 12.06 of Title 12 of the San José Municipal Code is amended to read as follows:

12.06.910 Statements and Reporting Requirements

- A. Each candidate and candidate controlled committee receiving contributions or making expenditures in a Ceity election must file with the Ceity Clerk campaign disclosure statements in the form and at the times required by Chapter 12.06 and the Political Reform Act. The campaign disclosure statements may be completed on forms required to be filed by the regulations of the Fair Political Practices Commission so long as such forms are completed in sufficient detail to comply with the requirements of this Chapter.
- B. Each candidate must file with the Ceity Clerk, at the time nomination papers are filed pursuant to Section 12.05.060, a declaration by the candidate or treasurer of the candidate controlled committee that the candidate or candidate controlled committee has not accepted nor solicited, and will not accept nor solicit any campaign contribution in violation of the requirements and limitations of this Chapter.
- C. When listing contributions, each candidate and candidate controlled committee receiving contributions or making expenditures in a Ceity election must itemize all contributions accepted during the campaign contribution collection periods specified in this Chapter, including all amounts less than one hundred dollars (\$100.00).

- D. Each independent committee that makes independent expenditures in a Ceity election must file with the Ceity Celerk campaign disclosure statements in the form and at the times required by the Political Reform Act. When listing contributions or expenditures on the form required by the Political Reform Act, each independent committee must itemize all contributions accepted and expenditures made during the campaign contribution collection periods specified in this Chapter, including all amounts less than one hundred dollars (\$100.00).
- E. The first and second semi-annual campaign statements must be filed at the times prescribed for semi-annual statements by the Political Reform Act as well as any other times prescribed in Chapter 12.06, for candidates, candidate controlled committees and independent committees for whom the Ceity Celerk is the regular filing official.
- F. The first and second pre-election campaign statements must be filed at the times prescribed for pre-election statements by the Political Reform Act as well as any other times prescribed in Chapter 12.06, for candidates, candidate controlled committees and independent committees for whom the Ceity Celerk is the regular filing official.
- G. Each candidate and candidate controlled committee must file a third campaign statement by noon on the day before the election. The third pre-election statement shall cover the period commencing after the closing date of the second pre-election campaign statement required in Subsection E above through 11:59 p.m. on the day before the third campaign statement is due.
- H. If any candidate, candidate controlled committee or independent committee for whom the Ceity Celerk is the regular filing official files a campaign disclosure statement after any deadline imposed by this Chapter, the Ceity Celerk shall

fine the delinquent filer ten dollars (\$10.00) per day, starting the day after the filing deadline, until the statement is filed; however, no liability may exceed the cumulative amount of reported contributions or expenditures, or one hundred dollars (\$100.00), whichever is greater. The Ceity Celrk may reduce or waive the fine if he or she determines that the late filing was not willful and that enforcement will not further the purposes of this Cechapter.

- I. The Ceity Celrk has the authority to require the candidate, candidate controlled committee or independent committee for whom the Ceity Celrk is the regular filing official to file an amendment to a filing. The filer shall submit the required amendment to a filing within thirty (30) calendar days of notification. Should the filer not comply with this timeline, the Ceity Celrk shall fine the delinquent filer ten dollars (\$10.00) per day, starting the day after the filing deadline, until the amendment is filed; however, no liability may exceed the cumulative amount of reported contributions or expenditures, or one hundred dollars (\$100.00), whichever is greater. The Ceity Celrk may reduce or waive the fine if he or she determines that the late filing was not willful and that enforcement will not further the purpose of this Cechapter.

SECTION 2. Section 12.06.920 of Chapter 12.06 of Title 12 of the San José Municipal Code is hereby repealed.

RD:MJV:KML
10/6/2017

PASSED FOR PUBLICATION of title this _____ day of _____, 2017, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk