

**DRAFT**

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 12.06.220 OF CHAPTER  
12.06 OF TITLE 12 OF THE SAN JOSE MUNICIPAL CODE  
TO AMEND THE DEFINITION OF AGENT TO INCLUDE AN  
ELECTED OFFICER'S STAFF**

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~~their nomination for or election to any elective city office, whether or not the specific elective office for which ~~he or she~~they 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~~they haves announced ~~his or her~~their candidacy or filed a declaration of candidacy; or

- D. Has filed a form "statement of intention" to be a candidate with the city clerk; or
- E. An elected officer, including any elected officer who is the subject of a recall; or
- F. Retains candidate status under subsections A, B, C, D and E until their filing obligations terminate under Government Code Section 84214 of the Political Reform Act.

**SECTION 2.** Section 12.06.220 of Chapter 12.06 of Title 12 of the San José Municipal Code is hereby amended and reads as follows:

**12.06.220 Applicability to agents.**

- A. "Agent" shall mean any person who ~~has~~:
1. ~~-Has~~ express or implied authority to make or to authorize the making of expenditures on behalf of a candidate; or
2. ~~\_\_\_\_\_, or who has~~ Has been placed in a position within the campaign organization where it would reasonably appear that in the ordinary course of campaign-related activities he or she may authorize expenditures; or
3. ~~\_\_\_\_\_. An "agent" is also any person who is~~ Is serving or has served in an advisory, decision-making, or strategic role with a candidate's campaign, with or without compensation, where that person's duties and/or actions reflect or require direct knowledge of the candidate's campaign strategy, plans and needs; or
4. ~~4. \_\_\_\_\_~~ Is a member of the candidate's office staff, with or without compensation.
- B. The prohibitions and requirements of this chapter applicable to a candidate shall also apply to the candidate's agent.

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

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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MATT MAHAN  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk