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Memorandum

**TO: HONORABLE MAYOR AND
CITY COUNCIL**

FROM: Lee Price, City Clerk

SUBJECT: SEE BELOW

DATE: 10-6-09

**SUBJECT: COUNCIL REFERRAL TO THE ELECTIONS COMMISSION
REGARDING POTENTIAL REFINEMENTS TO THE CAMPAIGN
FINANCE REGULATIONS AS IT RELATES TO ELECTRONIC
ELECTIONEERING COMMUNICATIONS**

RECOMMENDATION

The Elections Commission does not recommend amending the City's Campaign Finance Regulations to require the disclosure of payments for electronic electioneering communications that cumulatively total less than \$1,000.

BACKGROUND

On August 11, 2009, the City Council passed Ordinance No. 28624 amending parts of Title 2 and Title 12 of the San José Municipal Code related to Campaign Regulations and the Elections Commission. The City Council referred to the Elections Commission potential refinements to the regulations regarding electronic electioneering communications.

At the Elections Commission meeting on September 9, 2009, the Commission discussed the Council Referral and agreed that the reporting threshold for payments that cumulatively total \$1,000 or more is a reasonable standard for two reasons. First, the \$1000 threshold is consistent with other reporting requirements under the Political Reform Act and the San Jose Municipal Code. Second, the Commission agreed that the purpose of the electioneering communication regulations is to require disclosure of funds spent – and large payments in particular – not limit political speech.

However, in the event information is presented to the Commission about a misuse of the new electioneering communications provisions, the Commission will revisit its recommendation.

COORDINATION

This memo was coordinated with the Elections Commission and the Office of the City Attorney.

LEE PRICE, MMC
City Clerk