

Stephen L. Kline

761 Richmond Ave ♦ San Jose, CA 95128 ♦ 408-768-4154 ♦ slkesq@me.com

RECEIVED
San Jose City Clerk

2014 APR -8 A 11:19

dam
OTC

April 7, 2014

Mr. Richard Doyle
San Jose City Attorney
200 E. Santa Clara St., 16th Floor
San Jose, CA 95113

Ms. Toni Taber
San Jose City Clerk
200 E. Santa Clara St.
San Jose, CA 95113

Dear Mr. Doyle & Ms. Taber,

In 2011 when I was planning to run for San Jose City Council, I read San Jose Municipal Code section 12.06.290(A) that states "No person shall solicit or accept any campaign contribution for any campaign into any municipal campaign bank account except during the campaign contribution period." In another part of the section, that campaign contribution period is defined as no earlier than 180 days prior to the election.

To me that meant that I was not to do any soliciting, requesting, or obtaining pledges of any kind before the beginning of the campaign period.

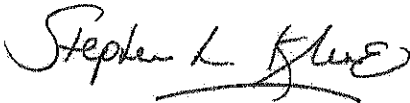
On October 16, 2013, you issued a Memorandum to the Mayor and the San Jose City Council that was well publicized and supported my understanding and actions regarding the above Municipal Code section. I agree with your analysis that "... lining up pledges or contributions during the black-out period would seem an indication that some degree of solicitation was made and is therefore prohibited..."

Attached is a formal complaint alleging that City Council member Sam Liccardo and/or his Campaign Committee for Mayor did in fact violate that Municipal Code section. His actions and that of his Committee sought pledges in an amount that exceeds \$200,000. The details are contained in the attached Complaint.

I trust that you and the City of San Jose Ethics Commission will immediately open an investigation to look at these violations. I call upon you and the Ethics Commission to enforce the Municipal Code with respect to City Council member Liccardo's violations.

All of the funds received as a result of these illegal actions should be refunded to the contributors and not be re-submitted by them to his campaign or any PAC that supports Liccardo. The integrity of San Jose's campaign contribution laws is at stake. Mr. Liccardo and his campaign committee should not have any benefit from the fruits of the poisonous tree that he planted.

Very truly yours,

A handwritten signature in cursive script, reading "Stephen L. Kline". The signature is written in dark ink and is positioned above the printed name.

Stephen L. Kline

Enclosures



CITY OF SAN JOSE
SAN JOSE ELECTIONS COMMISSION
COMPLAINT FORM

File this form with the Office of the City Clerk
200 East Santa Clara Street
San José, CA 95113

Telephone: 408-535-1260; Fax: 408-292-6207

RECEIVED
San Jose City Clerk
2014 APR -8 A 11:19

Cam
OTC

Your Name* Stephen L. Kline

Address 761 Richmond Ave., San Jose CA 95128

Telephone (Home) Area Code (408) 768-4154 (Work) Area Code (408) 768-4154

Your name, address and phone number are required. If you wish to remain anonymous, you may call the Elections Commission Anonymous Complaint Hotline at 408-975-ANON (2666) Certain Restrictions apply.

1. Nature of Complaint

☒ Campaign

☐ Gift Ordinance

☐ Lobbyist

☐ Revolving Door

2. Who is the person or persons you are complaining about? (Please provide name(s) and address(es); business and residence, if known.)

Mr. Sam Liccardo

Neighbors for Sam Liccardo, 3151 Olin Ave., Ste 101, San Jose CA 95117

3. Describe complaint. State all facts as specifically as possible. (Attach additional pages as necessary.)

See attached

4. Names and Addresses of potential witnesses, if known:

see attached

5. Additional Information:

see attached

6. Documentation: Please attach copies of any available documentation regarding the violation.

VERIFICATION

I certify under penalty of perjury under the law of the State of California that the above statements are true and correct.

Executed April 7, 2014 at San Jose, California
(Date) (City and State)


(Signature)

Complaint of Legal and Reporting Violations
Against Sam Liccardo
and Sam Liccardo for Mayor

Introduction

Sam Liccardo is asking voters of the City of San Jose to place the ultimate trust in him by electing him Mayor of the City of San Jose. Yet, Liccardo has demonstrated a wanton and brazen disregard for San Jose's campaign finance regulations and several provisions of California's Political Reform Act. Thus far, Liccardo has only admitted violating the law in one instance when one of his fundraising campaign event co-hosts illegally solicited donors prior to the City's 180-day fundraising period, which began on December 5, 2013.

What Liccardo and his campaign have yet to admit to is planning, organizing for, and soliciting pledges and/or contributions from individuals for five additional fundraising events disguised as "campaign events" – all of which occurred during the fundraising solicitation prohibition period in violation of San Jose's campaign finance regulations.

In addition to the unlawful fundraisers disguised as "campaign events" that were planned weeks before the fundraising prohibition ended, Liccardo's 2013 Year End Campaign Report (FPPC Form 460) discloses other transactions that violate state and local election law. Liccardo's fundraising practices demonstrate an utter disregard for the law and fair elections.

The San Jose Ethics Commission is charged with investigating violations of the San Jose Municipal Campaign Ordinance and taking enforcement action where appropriate. The Commission is authorized to impose penalties of up to \$5,000 for each violation of the Ordinance or three times the amount which a person or respondent failed to report properly or unlawfully contributed, expended, gave, or received, whichever is greater. (SJMC 12.04.110.) The Commission is empowered to subpoena witnesses, compel their attendance and testimony, and require by subpoena the production of any books, papers, records or other items.

The allegations contained in this complaint are of the highest import because they involve the integrity of the City's elections. I request that the Ethics Commission act with all due speed and diligence to resolve these allegations of impropriety.

Summary of Violations of San Jose Municipal Code

1. Violations of the City's contribution collection period

The City's Campaign Ordinance prohibits persons from soliciting or accepting any campaign contributions into any municipal campaign bank account unless the solicitation or acceptance is within 180 days of the primary municipal election. (SJMC §12.06.290(A-B).) Contributions received outside of the campaign contribution period for an election shall not be accepted or deposited but must be returned to the contributor or donor within 5 business days. (Id. at D.)

There is little doubt that Liccardo knew he violated the prohibition against soliciting and accepting contributions because City Attorney Richard Doyle informed the Mayor and City Council about the fundraising prohibitions just before Liccardo broke the rules. On October 15, 2013, the City Attorney advised: “[L]ining up pledges or contributions during the black-out period would seem an indication that some degree of solicitation was made and is therefore prohibited except during the *[sic]* campaign contribution period before the election.” (Memorandum from City Attorney Richard Doyle to the Mayor and City Council, Formation of a Fundraising Committee before the Commencement of the Campaign Contribution Collection Period, October 15, 2013.) (Attachment 1.)

The Liccardo campaign violated the prohibition on soliciting campaign contributions outside the 180-day collection period when they posted announcements for six “campaign events” in mid-November. These thinly-veiled “campaign events” were nothing more than campaign fundraisers and they were advertised by the Liccardo campaign before the City’s fundraising period began. I know that planning and soliciting for these fundraising events were made in advance of the fundraising period because they were posted to the Liccardo campaign website in November. These entries were subsequently deleted by Liccardo from the Liccardo for Mayor website, an indication that Liccardo is hiding something. Nevertheless, some information is available on the internet confirming that the advertising for the fundraising events occurred before December 5. (Attachment 2.)

- a. December 12, 2013 fundraising event. (Count 1) Liccardo for Mayor campaign agent Khanh Russo publicly posted on the Liccardo for Mayor website an announcement for this fundraising event on November 16, 2013. Former political consultant and campaign compliance professional Vicki Day is listed as the contact for this fundraising event.

Alex Tourk and Wendi Norris hosted the fundraising event for Liccardo at Gallery Wendi Norris on December 12, 2013. The announcement lists several co-hosts for this fundraiser that included: San Francisco Supervisor David Chiu, Wendi Norris, Alex Tourk, Rebekah Krell, Supervisor Scott Weiner, Carl Guardino, Lenny Mendonca, Stephanie Fuerstner-Gillis, Dan Luscher, David Nieh, Alex Potente, Fei Tsen, Trecia Knapp, Angela P. Cheung, Eric Kim, Russell Pitto, Shelley Doran and Lawrence Coburn.

The fact that numerous co-hosts had already been confirmed at the time Khanh Russo posted the event on Liccardo’s website on November 16, 2013 indicates that solicitations for the event had already begun as of that date because, in campaign terms, a co-host is nothing more than an individual or other person that has agreed to make a political contribution. By soliciting co-host contributors to his fundraising event, Liccardo was doing exactly what City Attorney Doyle said he could not do – line up pledges or contributions during the blackout period.

Additionally, Alex Tourk sent an e-mail to potential contributors on Wednesday, December 4, 2013 soliciting contributions for the December 12, 2013 fundraising event. According to the solicitation sent by Tourk, “My wife and I are hosting a

fundraiser for San Jose Councilman Sam Liccardo . . .” Both the public posting of the event on Liccardo’s campaign website and Tourk’s e-mail announcement were outside the 180-day fundraising window and constitute violations of the 180-day fundraising window per se. (Attachment 3.)

In addition, a review of Liccardo’s Year-End Campaign Report (Form 460) discloses that 18 of the 24 December 12 fundraising event co-hosts made contributions to Sam Liccardo for Mayor totaling \$8,750 dollars. Because these fundraising event co-hosts were likely recruited well before the allowable date to seek contributions or pledges, they may have been solicited illegally and Liccardo should be required to refund or disgorge the contributions.

Also, Liccardo’s Year-End Campaign Report (Form 460) reports that he received a total of \$26,275 dollars on December 12, 2013, the same date as the fundraiser. It is unknown at this time how many of these contributors were also illegally solicited before the fundraising window opened either because the donor received the illegal Tourk solicitation or because the donor was unlawfully contacted in any another manner by Tourk, Norris or by the other co-hosts. Only a full investigation of this matter will uncover these facts.

- b. December 11, 2013 fundraising event. (Count 2) Liccardo for Mayor campaign agent Khanh Russo publicly posted on the Liccardo for Mayor website an announcement for this fundraising event on November 18, 2013. Former political consultant and campaign finance compliance professional Vicki Day is listed as the contact for this fundraising event.

This fundraising event was held at Café Stritch in downtown San Jose. The announcement lists several co-hosts for this fundraiser including: Mark Ritchie, Shirley Lewis, Mike Rosendin, Sean Toomey, Nick Goddard, Geri Wong, John DiNapoli, Tom McEnery, Mike Blach, Matt Bell, James Salata, Mark Tersini, Kenneth Tersini, Do Imwalle, Charles Stegner, Dominic Giacalone, Richard Berg, Bill Klein, Murphy Sabatino, Michael Borkenhagen, John Boncher, William Hadaya, Tony Murabito, Maggie Bludau, Charles Stegner, Michael Borhenhagen, and Joel Maniaci.

The number of co-hosts strongly suggests that fundraising for this event started well before the November 18, 2013 posting of the event by the Liccardo campaign.

In addition, a review of Liccardo’s Year-End Campaign Report (Form 460) discloses that 19 of the 25 December 11 fundraising event co-hosts made contributions to Sam Liccardo for Mayor totaling \$16,600 dollars. Because these fundraising event co-hosts were likely recruited well before the allowable date to seek contributions or pledges, they may have been solicited illegally and Liccardo should be required to refund or disgorge the contributions.

Also, Liccardo’s Year-End Campaign Report (Form 460) discloses that he received \$32,325 dollars in contributions on the same date as the December 11, 2013 fundraiser.

It is unknown at this time how many of these contributors were illegally solicited by the Liccardo campaign, its agents, or the co-hosts listed above prior to the legal start date to fundraise. Only an investigation of this matter will uncover those facts.

- c. December 13, 2013 fundraising event. (Count 3) Liccardo for Mayor campaign agent Khanh Russo publicly posted on the Liccardo for Mayor website an announcement for this fundraising event on November 17, 2013. Former political consultant and campaign finance compliance professional Vicki Day is listed as the contact for this fundraising event.

This fundraising event was held at the home of Anne Sconberg and Mark Henderson. The announcement lists several co-hosts for this fundraiser that included: Richard Ajluni, Sandra Moll, Rick Holden, Trish Albertson, Blair Albertson, Connie Martinez, Dennis Nahat, Nanci Williams, Georgie Huff, Carl Salas, Marianne Salas, Sandra Soellner, Walter Soellner, Joel Slayton, Chris Esparza, Pilar Aguero-Esparza, Bill Souders, Sally Souders, Carl Cookson, and Patty McDonald.

The number of co-hosts strongly suggests that fundraising for this event started well before the November 17, 2013 posting of the event by the Liccardo campaign.

In addition, a review of Liccardo's Year-End Campaign Report (Form 460) discloses that 14 of the 23 December 13 fundraising event co-hosts made contributions to Sam Liccardo for Mayor totaling \$9,450 dollars. Because these fundraising event co-hosts were likely recruited well before the allowable date to seek contributions or pledges, they may have been solicited illegally and Liccardo should be required to refund or disgorge contributions from these individuals.

Also, Liccardo's Year-End Campaign Report (Form 460) discloses that he received \$29,210 dollars on December 13, 2013. It is unknown at this time how many, if any, of these contributors were illegally solicited by the Liccardo campaign, its agents, or the co-hosts listed above prior to the legal start date to fundraise. Only an investigation of this matter will uncover those facts.

- d. December 17, 2013 fundraising event. (Count 4) Liccardo for Mayor campaign agent Khanh Russo publicly posted on the Liccardo for Mayor website an announcement for this fundraising event on November 17, 2013. Former political consultant and campaign finance compliance professional Vicki Day is listed as the contact for this fundraising event.

This fundraising event was held at C.B Hannegan's, a pub and restaurant located in Los Gatos. The announcement lists several co-hosts for this fundraiser that included: Johnny Hannegan, Dean Munro, Tom McEnery, Mike Akatiff, Sean O'Kane, Chris Wilder, Charles Toeniskoetter, Barbara Lymberis, Paul Normandin, Larry Stone, Kevin Jiang, Joe Pirzynski, Shari Boxer Baker, Todd Trekell, Tom Ferrito, Kirk Kozlowski, Marshall Anstandig, Jay Ross, Norman Kline, John Heagerty, Toni Heagerty, and Clyde Hammond.

The number of co-hosts strongly suggests that fundraising for this event started well before the November 17, 2013 posting of the event by the Liccardo campaign.

In addition, a review of Liccardo's Year-End Campaign Report (Form 460) discloses that 17 of the 23 December 17 fundraising event co-hosts made contributions to Sam Liccardo for Mayor totaling \$14,250 dollars. Because these fundraising event co-hosts were likely recruited well before the allowable date to seek contributions or pledges, they may have been solicited illegally and Liccardo should be required to refund or disgorge the contributions.

Also, Liccardo's Year-End Campaign Report (Form 460) discloses that he received a total of \$65,005 dollars on December 17, 2013, the same date of his fundraiser. It is unknown at this time how many of these contributors were illegally solicited by the Liccardo campaign, its agents, or the co-hosts listed above in advance of the legally permitted fundraising period. Only an investigation of this matter will uncover those facts.

- e. December 6, 2013 fundraising event. (Count 5) Liccardo for Mayor campaign agent Khanh Russo publicly posted on the Liccardo for Mayor website an announcement for this fundraising event on November 17, 2013.

The December 6th event was posted by the same individual, Khanh Russo as those listed in sections a. through d. above. The December 6th event announcement lists Chris Worrall as the host and lists Carl and Leslee Guardino as co-hosts.

The host for the December 6th fundraising event, Chris Worrall contributed \$500 to the Liccardo for Mayor campaign on 12/05/2013 and the co-hosts Carl and Leslee Guardino contributed \$1,100 each on 12/06/2013. The timing of these contributions being so close to the opening of the December 5 fundraising event strongly suggests that Worrall and the Guardinos were solicited in advance of the fundraising window. Additionally, because the Liccardo for Mayor campaign removed any mention of this event from its website, I am unable to provide the complete list of additional co-hosts or event contact persons whose contributions may have also violated the law.

Liccardo's Year-End Campaign Report (Form 460) reports that he received \$20,600 in contributions on December 6, 2013, the same date as the fundraiser. It is unknown at this time how many of these contributors were illegally solicited by the Liccardo campaign, its agents, or the co-hosts listed above in advance of the legally permitted fundraising period. Only an investigation of this matter will uncover those facts.

- f. December 18, 2013 fundraising event. (Count 6) Liccardo for Mayor campaign agent Khanh Russo publicly posted on the Liccardo for Mayor website an announcement for this fundraising event on November 17, 2013. The December 18th fundraising event was posted by the same individual, Khanh Russo, as those listed in sections a. through

e. above. The December 18th event announcement lists only one co-host, Gary Kremen.

The co-host for the December 18th fundraising event, Gary Kremen, contributed \$1,100 to the Liccardo for Mayor campaign on 12/16/2013. Because the Liccardo for Mayor campaign removed any mention of this event from its website, I am unable to provide the list of additional co-hosts or event contact person.

Liccardo's Year-End FPPC Campaign Report (Form 460) discloses that he received \$17,175 in contributions on the same date as the December 18, 2013 fundraiser. It is unknown at this time how many of these contributors were illegally solicited by the Liccardo campaign, its agents, or the co-hosts in advance of the legally permitted fundraising period. Only an investigation of this matter will uncover those facts.

2. Violation of the One Bank Account Rule. (Count 8) State law requires personal funds utilized by a candidate to promote his or her election to first be deposited in his or her campaign account prior to making the expenditure. This is known as the "one-bank account rule" and it applies to both state and local candidates. (Gov. Code 85201(d).)

Liccardo's campaign report indicates that he contributed or loaned his campaign account \$3,045.34 for expenses incurred in connection with his campaign. He is now seeking reimbursement for these expenses. If Liccardo spent personal funds without first depositing them into his campaign bank account, as suggested by the news report (Attachment 5) and Liccardo's own campaign report (Attachment 4), then he violated the law.

3. Liccardo's out-of-pocket campaign expenses. (Count 7) Liccardo's Year-End Campaign Report (Form 460) shows that he made payments in support of his campaign in the amount of \$3,045.34 for "Staff payment, office expenses, event expenses, signage" for which he is seeking reimbursement. (Attachment 4) A news report indicates that Liccardo personally financed a campaign event on October 24, 2013 in advance of the November 5 fundraising period. (Attachment 5) These event payments appear to be some of the expenses for which he is seeking reimbursement.

Under the City Campaign Ordinance, a "contribution" includes "[a]ny payment, loan forgiveness or postponement of a loan, payment of a loan by a third party, or an enforceable promise to make a payment except to the extent that full and adequate consideration is received, or if it is clear from the surrounding circumstances that the contribution is not made for political purposes." (SJMC §12.06.050.)

When a candidate uses personal funds to benefit his or her own campaign, he or she makes a contribution to the campaign. (FPPC Regulation §18215(b)(2).) Liccardo's payments for his October 24 campaign event or for any other goods or services in advance of the November 5 fundraising window violate the law because they constitute in-kind contributions from his personal bank account to his campaign. The payments are contributions whether or not Liccardo receives reimbursement from his campaign because the contribution is considered to have been "made" either on the date Liccardo made the

payments for the goods or services or the date his campaign received the benefit of the goods or services, whichever is earlier. (See FPPC Regulation §18421.1.)

4. In-kind contributions from event hosts. (3 total counts) Several individuals hosted campaign events for Liccardo where in-kind contributions for food, beverages, entertainment, or other goods and services were not disclosed for the events. The campaign does not appear to have incurred any expenses for the events.

A candidate receives a contribution when he or she receives goods or services for political purposes and does not pay the fair market value of the goods or services received. State law provides an exception to the definition of contribution for a home or office campaign or fundraising event where the total cost of the event is \$500 or less. In order to qualify for the exception, the host of the event must pay for all expenses related to the event and the total costs may not exceed \$500. Any costs not paid for by the host are in-kind contributions from the source.

The Commission must investigate whether the total costs of the events below were \$500 or less and whether any costs were paid for by persons other than the host. In calculating the total costs of the event, the Commission must include any compensation paid to professional staff of any of the hosts. (See SJMC §12.06.050.)

- a. December 12, 2013 Event. (Count 9) Alex Tourk and Wendi Norris held a campaign fundraising event for Liccardo at Norris' art gallery on December 12, 2013. Liccardo did not disclose receiving any in-kind contributions from Norris, Tourk, or the art gallery and no other in-kind contributions appear to have been reported for this event.
 - b. December 6, 2013 Event. (Count 10) Chris Worrall hosted a campaign fundraising event for Liccardo on December 6, 2013. Worrall made a monetary contribution to Liccardo in the amount of \$500. If the cost of this fundraising event exceeded \$500, or the event was not otherwise within the home or office event exception, then the event costs would be considered in-kind contributions in excess of the City limits.
 - c. December 18, 2013 Event. (Count 11) Because the records of this event have been removed from the Liccardo for Mayor website I am unable to determine who the host of this event was. If the host made a contribution to Liccardo in the amount of \$1,100 and if the cost of this fundraising event exceeded \$500, or the event was not otherwise within the home or office event exception, then the event costs would be considered in-kind contributions in excess of the City limits.
5. SP2 Campaign Event In-kind contributions. (Count 12) Under both the City's campaign ordinance and the Political Reform Act, goods or services provided to a candidate at no charge or at a discount from the fair market value are contributions unless the discount is given in the regular course of business to members of the public. (SJMC §12.06.050(B).) The amount of the contribution is the amount of the discount or the free goods or services.

The Silicon Valley Newsroom reported the following regarding Liccardo's campaign kickoff event: "Liccardo has a deal to offset some costs for food and venue based on how many people booze it up . . ." (Attachment 5.) The article suggests that his campaign was provided a discount for the campaign event that is not offered to the public generally. If correct, the discounted goods or services will constitute an in-kind contribution to Liccardo from SP2. If in-kind contributions were made, then this would also result in a contribution limits violation because SP2 contributed the maximum amount to Liccardo's campaign.

* * * *

ATTACHMENT 1



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Richard Doyle
City Attorney

SUBJECT: Formation of a Fundraising
Committee before the
Commencement of the
Campaign Contribution
Collection Period

DATE: October 16, 2013

Our office has had requests for our formal opinion relating to the Elections and Municipal Campaign and Officeholder Contributions provisions of Chapter 12.06 and 12.08 of the SJMC. Specifically, we have been asked whether a candidate for elected city office may solicit individuals to serve on a fundraising committee prior to the commencement of the campaign contribution period for the primary municipal election during the "black-out" period, more than the 180 days before an election.

Section 12.06.290 of the SJMC prohibits a person from soliciting or accepting any contributions for any campaign into any municipal campaign bank account except during the campaign contribution period which begins on the one hundred eightieth day before the primary municipal election. The definition of "contribution" in the SJMC is generally defined as any payment, loan, forgiveness or postponement of a loan, payment of a loan by a third party, or an enforceable promise to make a payment where full and adequate consideration is not received by the campaign.

Soliciting individuals to serve on a fundraising committee during the black out period before an election is not prohibited as it is merely a planning and coordinating stage for soliciting and accepting contributions to a campaign. However, lining up pledges or contributions during the black-out period would seem an indication that some degree of solicitation was made and is therefore prohibited except during campaign contribution period before the election.

Please feel free to contact our Office if you have further questions or need clarification with regard to this memorandum.

RICHARD DOYLE
City Attorney

By Arlene Silva
Arlene Silva
Deputy City Attorney

ATTACHMENT 2

December 12 Campaign Event - Saul Liccardo for Mayor of San Jose
www.saulliccardo.com/december_12 -
December 12 Campaign Event Posted by Kenneth Russo 1389c on November 16,
2013 Add your reaction Confess, Supervisor David Chan, Head Nomin, Sex --

December 8 Campaign Event: Sam Liccardo for Mayor of San Jose
www.samliccardo.com/december_8 »
 Home » December Campaign Event Calendar December 6 Campaign Event
 Posted by Rhonda Russo 10:00 am November 16, 2013 Add your reaction Co-Hosts,
 Joe Gardino, Leslie » 2013-11-16 10:51 AM 0 Comments 0 Likes

December 18 Campaign Event - Sam Liccardo for Mayor of San Jose
www.samliccardo.com/december_18 *
 -tara + December Campaign Event Calendar: December 18 Campaign Event
 Posted by Khushi Russo 11:06 on November 17, 2013 Add your reaction Co-Hosts
 Gary Kamenin Cynthia Gennaro moved + 1 2843-12-18 19:53 32 0900

December 17 Campaign Event - Sam Liccardo for Mayor of San Jose
www.samliccardo.com/december_17 *
 Home » December Campaign Event Calendar: December 17 Campaign Event
 Posted by Khari Russo 10:00p on November 17, 2013 Add your reaction. Co-Hosts
 Johnny Hamington ... Carlene Andersen issued 2013-12-16 15:15:30 -0800

December 13 Campaign Event - San Leandro for Mayor of San Jose
www.sanleandro.constdcember_13 *
 Potomac + December Campaign Event Calendar December 13 Campaign Event
 + 585 S 16th St San Jose, CA 95128 * 2012-02-18 11 05 28 -0800

Questions about your people in NationBuilder

where people turned in hand-copy sign-up cards to volunteer notes. Some of ... Posted
by John Brownes - November 23, 2012 2:16 PM I am helping iShanti
Lusso with San Licardela San Jose CA campaign for mayor. Kudos

Using Boiling in the Water Safety Pays Off - Cisco Blogs
blogs.cisco.com/...feeding-boiling-in-the-water-saf... Cisco Systems, Inc. -
harth russo | October 28, 2013 at 8:22 pm PST. 10 Comments A portion of this blog
has originally published on WASH-Shielders on Data sent. It doesn't ...

Questions about your post

nationbuilder.com/people_questions

Apps Lets FPPC Regulations Info FPPC Advice Letter

Call Access Lets Advice

Exporting and Importing Tags

POSTED BY JOHN BRONSON NOVEMBER 23, 2013 2:16 PM 1 REACTION

I am helping Khanh Russo with Sam Liccardo's San Jose CA campaign for mayor. Khanh and need to review tags that have been setup in order to manage completing one data type. How do I export tags into a CSV file?

Conversely, can I import tags from a CSV file?

Thanks, John Bronson, San Jose CA

Official response from Adriet Hampton

John, tags can be imported and exports in CSV files from searches, lists and filters. If you want to remove or add tags in batches, you can also do that from a list with a batch update. You cannot overwrite existing tags with an import, so you'll want to do that by deleting unwanted tags completely from the Tags menu, or removing them from a selected list using a batch update.

Here are some related resources:

How to import (be sure you have the right ID or email associated with each) (show all)



How can I add recruited signatures to a person?

POSTED BY JOHN BRONSON NOVEMBER 23, 2013 2:16 PM 1 REACTION

ATTACHMENT 3

Full e-mail available here: <http://thelefthook.com/2014/02/06/your-cheatin-heart/>

From: Alex Tourk

Date: Wednesday, December 4, 2013

Subject: December 12

To:

I hope you all had a great Thanksgiving holiday with your family.

My wife Wendi and I are hosting a fundraiser for San Jose Councilman Sam Liccardo, who is now running for mayor of San Jose, one of our nation's largest cities and a city that is in dire need of someone with Sam's leadership style and expertise.

The event is taking place at my wife's art gallery in South of Market on Thursday, December 12th, at 8pm. I would love to introduce you to him personally so you can see why I think he would make the ideal next Mayor for San Jose. I realize it's holiday season, but I'm hopeful you can weave this into your schedule.

Some facts about Sam.

- 1) He helped lead the successful effort to bring BART to San Jose (now under construction)*
- 2) Has championed initiatives to cut fees and reduce red tape on small businesses*
- 3) Worked to revitalize Downtown with new high-rise development and amenities*
- 4) He's leading the charge to add 200 police officers to the streets and to provide the technology and tools to our public schools to enable San Jose to become the first major U.S. city with an extended school day.*
- 5) Sam is a huge proponent of the arts...something that is clearly near and dear to me and my wife Wendi.*

I hope you'll join me and my fellow co-hosts Supervisor David Chiu, Chris Kelly, Wendi Morris, and others for a discussion with Sam about the independence and innovation it will take to keep San Jose on the right track.

Please RSVP by clicking below or Text DECEMBER12RSVP to (408) 627-7343. I hope you can attend.

http://samliccardo.nationstudies.com/december_12

Sincerely,

Alex

-

Alex Tourk

Principal

Ground Floor Public Affairs

58 2nd St, 4th Floor San Francisco, CA 94105

Office: 415-254-8261

Fax: 415-520-6226

www.gfpublicaffairs.com

ATTACHMENT 4

Schedule F Accrued Expenses (Unpaid Bills)

Type or print in ink.
Amounts may be rounded
to whole dollars.

CALIFORNIA 460
FORM

Page 213 of 215

SEE INSTRUCTIONS ON REVERSE
NAME OF FILER

Statement covers period
from 01/01/2013
through 12/31/2013

ID NUMBER
1361139

Neighbors for Sam Liccardo for Mayor 2014

CODES: If one of the following codes accurately describes the payment, you may enter the code. Otherwise, describe the payment.

CMP campaign paraphernalia/misc.	MBR member communications	RAD radio airtime and production costs
CNS campaign consultants	MTG meetings and appearances	RFD returned contributions
CTB contribution (explain nonmonetary)*	OFC office expenses	SAL campaign workers' salaries
CVC civic donations	PET petition circulating	TEL tv or cable airtime and production costs
FL candidate filing/ballot fees	PHO phone banks	TRC candidate travel, lodging, and meals
FND fundraising events	POL polling and survey research	TRS staff/spouse travel, lodging, and meals
IND independent expenditure supporting/opposing others (explain)*	POS postage, delivery and messenger services	TSF transfer between committees of the same candidate/sponsor
LEG legal defense	PRO professional services (legal, accounting)	VOT voter registration
LIT campaign literature and mailings	PRI print ads	WEB information technology costs (internet, e-mail)

NAME AND ADDRESS OF CREDITOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CODE OR DESCRIPTION OF PAYMENT	(a) OUTSTANDING BALANCE BEGINNING OF THIS PERIOD	(b) AMOUNT INCURRED THIS PERIOD	(c) AMOUNT PAID THIS PERIOD (ALSO REPORT ON E)	(d) OUTSTANDING BALANCE AT CLOSE OF THIS PERIOD
Sam Liccardo San Jose, CA 95113	Reimbursement - Staff payment, office expenses, event expenses, signage	0.00	3,045.34	0.00	3,045.34
Sutton Law Firm San Francisco, CA 94108	PRO	0.00	4,798.01	0.00	4,798.01
Jonathan Padilla San Jose, CA 95148	Reimbursement - Event supplies, volunteer food, office supplies	0.00	168.24	0.00	168.24

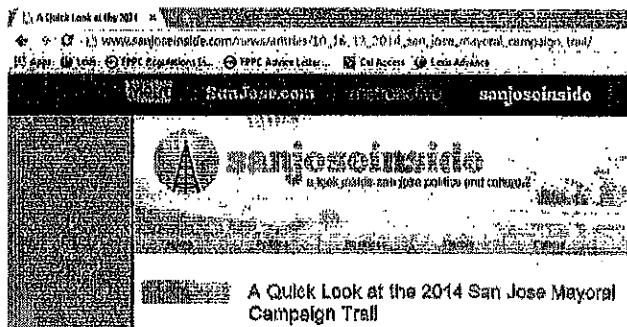
* Payments that are contributions or independent expenditures must also be summarized on Schedule D.

SUBTOTALS \$ 0.00\$ 8,011.59\$ 0.00\$ 8,011.59

Schedule F Summary

1. Total accrued expenses incurred this period. (Include all Schedule F, Column (b) subtotals for accrued expenses of \$100 or more, plus total unitemized accrued expenses under \$100.) **INCURRED TOTALS \$** 8,223.62
2. Total accrued expenses paid this period. (Include all Schedule F, Column (c) subtotals for payments on accrued expenses of \$100 or more, plus total unitemized payments on accrued expenses under \$100.) **PAID TOTALS \$** 0.00
3. Net change this period. (Subtract Line 2 from Line 1. Enter the difference here and on the Summary Page, Column A, Line 9.) **NET \$** 8,223.62
May be a negative number

ATTACHMENT 5



Available at:

http://www.sanjoseinside.com/news/entries/10_16_13_2014_san_jose_mayoral_campaign_trail/

A Quick Look at the 2014 San Jose Mayoral Campaign Trail

Posted by [Silicon Valley Newsroom](#) on Wednesday, October 16, 2013 [Comments \(3\)](#)



The most notable candidates for San Jose's mayor's race next year include (left to right): Dave Cortese, Madison Nguyen, Pierluigi Oliverio, Sam Liccardo and Pete Constant. Cortese is the only candidate who has not officially declared an intent to run.

San Jose Inside takes a quick look at what some of the candidates for the 2014 mayor's race in San Jose have been up to and what political insiders are saying.



SP2 will host Sam Liccardo's mayoral campaign kickoff party on Oct. 24.

Sam Liccardo

Sam Liccardo will have his official campaign kickoff Oct. 24 at downtown San Jose's SP2 Communal Bar + Restaurant. Many of the 1980s old guard will be out in force, including Tom McEnery, a former San Jose mayor and San Pedro Square's godfather. It should be a hell of a party, but don't expect an open bar. Liccardo has a deal to offset some costs for food and venue based on how many people booze it up, meaning he'll be paying out of pocket due to campaign fundraising restrictions from now until December.

Citations to Provisions of the San Jose Campaign Finance Ordinance,
California Political Reform Act, and Regulations of the
Fair Political Practices Commission

1. Violations of the City's contribution collection period (Counts 1-6)
 - San Jose Municipal Code §12.06.290
2. Violation of the One-Bank Account Rule (Count 8)
 - California Gov. Code §85201(d)
3. Liccardo's out-of-pocket campaign expenses (Count 7)
 - SJMC §12.06.290
 - FPPC Regulation §18215(b)(2)
 - FPPC Regulation §18421.1(f)
4. In-kind contributions from event hosts (Counts 9-11)
 - Cal. Gov. Code §82015(f)
 - SJMC §12.06.050
5. SP 2 Event In-kind contributions from discounted goods and services (Count 12)
 - SJMC §12.06.050(B)
 - FPPC Regulation 18215(b)(3)

San Jose Municipal Code

12.06.290 Campaign contribution collection period.

A. No person shall solicit or accept any campaign contribution or deposit any contributions for any campaign into any municipal campaign bank account except during the campaign contribution period.

B. The campaign contribution period for the primary municipal election for council or mayor shall:

1. Begin on the one hundred eightieth day before the primary municipal election.
2. End at midnight on the day before the primary municipal election.

C. The campaign contribution period for the run-off municipal election for council or mayor shall:

1. Begin on the day after the primary municipal election for that office.
2. End at midnight on the day before a run-off municipal election for that office.

D. Any contribution which is received outside of the campaign contribution period for an election shall not be accepted or deposited but shall be returned to the contributor or donor within five business days.

(Ords. 24499, 24577, 25257, 25525, 25942, 26440, 28213, 28985.)

San Jose Municipal Code
12.06.050 Contribution.

A. "Contribution" means:

1. Any payment, loan, forgiveness or postponement of a loan, payment of a loan by a third party, or an enforceable promise to make a payment except to the extent that full and adequate consideration is received, or it is clear from the surrounding circumstances that the contribution is not made for political purposes.

2. An expenditure benefiting a candidate or committee made at the behest of a candidate, candidate controlled committee or elected officeholder is a contribution to the candidate, committee or elected officeholder unless full and adequate consideration is received for making the expenditure.

✓ B. Contributions include the purchase of tickets for events such as dinners, luncheons, rallies and similar fund-raising events; the granting of discounts or rebates not extended to the public generally or the granting of discounts or rebates by television and radio stations and newspapers not extended on an equal basis to all candidates for the same office; the payment of compensation by any person for the personal services or expenses of any other person, if such services are rendered or expenses incurred on behalf of a candidate or committee without payment of full and adequate consideration; and the transfer of any tangible thing of value.

✓ C. The payment of salary, reimbursement for personal services or other compensation by an employer to an employee who spends any of his or her compensated time rendering services for political purposes related to a city candidate or committee is a contribution or an expenditure if:

1. The employee renders services at the request or direction of the employer; or

2. The employee, with the consent of the employer, is relieved of any normal working responsibilities related to his or her employment in order to render the personal services, unless the employee engages in political activity on bona fide, although compensable, vacation time or pursuant to a uniform policy allowing employees to engage in political activity.

D. Payments made by an individual for his or her own travel expenses if such payments are made voluntarily without any understanding or agreement that they shall be directly or indirectly repaid to him or her, or independent expenditures made by independent committees are not deemed to be contributions for purposes of this chapter. In addition, personal or professional services donated to a campaign by an individual are not deemed to be contributions for purposes of this chapter. Any other payment or service not defined as a contribution in this section is also not deemed to be a contribution for purposes of this chapter.

(Ords. 24499, 24577, 25257, 26440, 28280, 28624, 28985.)

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations)

§ 18215. Contribution.

(a) A contribution is any payment made for political purposes for which full and adequate consideration is not made to the donor. A payment is made for political purposes if it is:

(1) For the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of a candidate or candidates, or the qualification or passage of any measure; or

(2) Received by or made at the behest of the following or any agent thereof:

(A) A candidate;

(B) A controlled committee;

(C) An official committee of a political party, including a state central committee, county central committee, assembly district committee or any subcommittee of such committee; or

(D) An organization formed or existing primarily for political purposes, including, but not limited to, a political action committee established by any membership organization, labor union or corporation.

✓ (b) The term "contribution" includes:

(1) Certain Payments to Nonprofit Organizations and Federal or Out-of-State Political Organizations Active in California Elections. Any payment made to a person or organization other than a candidate or committee, when, at the time of making the payment, the donor knows or has reason to know that the payment, or funds with which the payment will be commingled, will be used to make contributions or expenditures. If the donor knows or has reason to know that only part of the payment will be used to make contributions or expenditures, the payment

shall be apportioned on a reasonable basis in order to determine the amount of the contribution.

There shall be a presumption that the donor does not have reason to know that all or part of the payment will be used to make expenditures or contributions, unless the person or organization has made expenditures or contributions of at least \$1,000 in the aggregate during the calendar year in which the payment occurs, or any of the immediately preceding four calendar years. A donor to such a person or organization shall be identified and reported as provided in Regulation 18412.

✓ (2) Candidate's Own Money. A candidate's own money or property used on behalf of his or her candidacy.

✓ (3) Discounted Goods or Services. Any goods or services received by or behested by a candidate or committee at no charge or at a discount from the fair market value, unless the discount is given in the regular course of business to members of the public.

(c) Notwithstanding any other provision of this section, the term "contribution" does not include:

(1) An expenditure made at the behest of a candidate in connection with a communication directed to voters or potential voters as part of voter registration activities or activities encouraging or assisting persons to vote, if the expenditure does not constitute express advocacy.

(2) Volunteer personal services or payments made by a person for his or her own travel expenses, if such payments are made voluntarily without any understanding or agreement that he or she will be repaid.

(3) A payment made by an occupant of a home or office for costs related to any meeting or fundraising event held in the occupant's home or office, if the total cost of the meeting or fundraising event is \$500 or less, exclusive of the fair rental value of the premises.

(4) A payment made at the behest of a candidate, which is for a communication by the candidate or any other person, that meets all of the following:

(i) Does not contain express advocacy;

(ii) Does not make reference to the candidate's candidacy for elective office, the candidate's election campaign, or the candidate's or his or her opponent's qualifications for office; and

(iii) Does not solicit contributions to the candidate or to third persons for use in support of the candidate or in opposition to the candidate's opponent.

(5) A payment made by a candidate or committee for another candidate to attend the paying candidate's or committee's fundraiser.

(6) A payment made by a candidate for a communication publicizing his or her endorsement by another candidate, provided that the communication does not expressly advocate the nomination or election of the endorsing candidate or the defeat of an opponent of the endorsing candidate.

(7) A payment made by a ballot measure committee for a communication in which the ballot measure supported or opposed by the committee is endorsed or opposed by a candidate, and the communication does not expressly advocate the nomination or election of the endorsing candidate or the defeat of an opponent of the endorsing candidate.

(8) A payment made by any broadcasting station (including a cable television operator, programmer or producer), website, or a regularly published newspaper, magazine or other periodical of general circulation, including any Internet or electronic publication, that routinely carries news and commentary of general interest, for the cost of covering or carrying a news story, commentary or editorial.

(9) A payment by an organization for its regularly published newsletter or periodical, if the circulation is limited to the organization's members, employees, shareholders, other affiliated individuals and those who request or purchase the publication. This exception applies only to the costs regularly incurred in publication and distribution. Any additional costs incurred are contributions, including, but not limited to, expanded circulation; substantial alterations in size, style, or format; or a change in publication schedule, such as a special edition.

(10) A payment for a debate or other forum sponsored by a nonpartisan organization in which at least two candidates appearing on the ballot for the same elective office were invited to participate.

(11) A payment for a debate or other forum in which the proponent of a ballot measure and at least one opponent, or their respective representatives, were invited to participate in equal numbers.

(12) A payment for a debate or other forum sponsored by a political party or affiliated committee in which a majority of the candidates for that party's nomination were invited to participate.

(13) A payment made by a bona fide service, social, business, trade, union or professional organization or group for reasonable overhead expenses associated with the organization's regularly scheduled meeting at which a candidate or an individual representing either side of a ballot measure speaks, if the organization pays no additional costs in connection with the speaker's attendance.

(14) A payment received by, directed by, or made at the behest of a candidate for personal purposes. [NOTE: Such payments may constitute gifts, income, or honoraria, and as

such may be limited or prohibited, under other provisions of the Act. See also Regulation 18941.1 regarding payments for food.]

(15) A payment made by a candidate for a communication in support of or opposition to a ballot measure, if the communication features the endorsing candidate or clearly identifies him or her as the sponsor of the communication. [NOTE: this exception does not include a monetary contribution from a candidate or his or her controlled committee to a ballot measure committee.]

(16) A payment by a sponsoring organization for the establishment and administration of a sponsored committee, provided such payments are reported. Any monetary payment made under this subdivision to the sponsored committee shall be made by separate instrument. A "sponsoring organization" may be any person (see Section 82047) except a candidate or other individual (see Section 82048.7). "Establishment and administration" means the cost of office space, phones, salaries, utilities, supplies, legal and accounting fees, and other expenses incurred in setting up and running a sponsored committee.

(17) A payment by a nonpartisan organization, that is not affiliated with any candidate, political party, or committee and has not endorsed or contributed to candidates or measures in the election, to create and operate a website that posts political information designed to encourage individuals to vote or to register to vote and presents any candidate or measure-related content in a nonpartisan manner, giving reasonably equal treatment to candidates for the same office or to both sides of a measure.

(18) Uncompensated Internet activity by an individual supporting or opposing a candidate or measure as stated in Regulation 18215.2.

(d) A contribution made at the behest of a candidate for a different candidate or to a committee not controlled by the behesting candidate is not a contribution to the behesting candidate.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 82015 and 85312, Government Code.

HISTORY

1. New section filed 4-30-76; effective thirtieth day thereafter (Register 76, No. 18).
2. Amendment of subsection (e) filed 1-9-81; effective thirtieth day thereafter (Register 81, No. 2).
3. Amendment filed 2-17-82; effective thirtieth day thereafter (Register 82, No. 8).
4. Amendment filed 7-12-84; effective thirtieth day thereafter (Register 84, No. 28).
5. Relettering of subsection (d) to subsection (e) and new subsection (d) filed 11-26-90; operative 12-26-90 (Register 91, No. 1).
6. Amendment filed 11-7-95; operative 11-7-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 45).
7. Editorial correction of subsection (b)(1) (Register 96, No. 43).
8. New subsection (c)(16) and amendment of Note filed 1-29-97 as an emergency; operative 1-29-97. Submitted to OAL for printing only (Register 97, No. 5).
9. Permanent regulation filed 6-26-97; operative 6-26-97. Submitted to OAL for printing only (Register 97, No. 26).
10. Repealer of subsections (c)(8)-(c)(8)(ii), new subsection (c)(8), amendment of subsections (c)(14) and (c)(16) and new subsections (c)(17)-(18) filed 12-20-2010; operative 1-19-2011. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of*

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations.)

§ 18421.1. Disclosure of the Making and Receipt of Contributions.

Except as otherwise provided by law, the following standards shall be applicable to contributions and expenditures:

(a) A monetary contribution, including one made through wire transfer, credit card transaction, debit account transaction or similar electronic payment option (including one made via the Internet), is "made" on the date that the contribution is mailed, delivered, or otherwise transmitted to the candidate or committee. Alternatively, the date of the check or other negotiable instrument by which the contribution is made may be used in lieu of the date on which the contribution is mailed, delivered, or otherwise transmitted, provided it is no later than the date the contribution is mailed, delivered, or otherwise transmitted.

(b) Notwithstanding subdivision (a), for purposes of the disclosure of late contributions, as defined in Government Code section 82036 and pursuant to Government Code section 84203, a monetary contribution is "made" on the date the contribution is mailed, delivered, or otherwise transmitted to the candidate or committee. Consistent with 2 Cal. Code Regs. section 18401, the candidate or committee shall maintain documentation to support the date the contribution was made.

(c) A monetary contribution is "received" on the date that the candidate or committee, or the agent of the candidate or committee, obtains possession or control of the check or other negotiable instrument by which the contribution is made. All contributions received by a person acting as an agent of a candidate or committee shall be reported to and disclosed by the candidate or committee, or by the committee's treasurer, no later than the closing date of the next

campaign statement that the committee or candidate is required to file.

(d) Notwithstanding subdivision (c) above, a monetary contribution collected by means of payroll deductions or membership dues by a membership organization for its sponsored committee pursuant to Government Code section 82048.7(b)(2) is "received" by the committee on the earlier of the following:

- (1) The date that the committee obtains actual possession or control of the contribution;
- (2) Within 60 days after the receipt of the payment by the committee's sponsor.

(e) Notwithstanding subdivision (c) above, a monetary contribution made through wire transfer, credit card transaction, debit account transaction or similar electronic payment option (including those made via the Internet) is "received" on the date the candidate or committee, or the agent of the candidate or committee, obtains possession or has control of the debit/credit account information or other payment information by which the contribution is made, or on the date the candidate or committee, or the agent of the candidate or committee, obtains possession or has control of the funds, whichever is earlier. In the case of installment payments, the contribution is received when the candidate or committee, or agent of the candidate or committee, obtains possession or control of the funds for each installment payment. The contribution reported is the amount of each installment payment.

✓ (f) A nonmonetary contribution is "made" by the contributor, and "received" by the candidate or committee, on the earlier of the following dates:

- (1) The date that funds are expended by the contributor for goods or services, if the specific expenditure is made at the behest of the candidate or committee;
- (2) The date that the candidate or committee, or the agent of the candidate or committee, obtains possession or control of the goods or services, or the date that the candidate or committee

otherwise receives the benefit of the expenditure.

(g) The standards for when a contribution is "made" and "received" set forth in this section are not applicable where a contribution is disposed of pursuant to Government Code sections 84211(q), 84203(c), or 2 Cal. Code Regs. section 18531.

Note: Authority cited: Section 83112, Gov. Code. Reference: Sections 82015, 82025, 82048.7, 84203, 84211 and 84306, Gov. Code.

HISTORY

1. New section filed 3-10-92; operative 4-9-91 (Register 92, No. 13).
2. Editorial correction of subsection (f) (Register 96, No. 43).
3. Amendment filed 9-23-2004; operative 9-23-2004 pursuant to Government Code section 11343.4 (Register 2004, No. 39).
4. Amendment of subsection (e) filed 11-6-2006; operative 12-6-2006. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2006, No. 45).



Deering's California Codes Annotated
Copyright © 2014 by Matthew Bender & Company, Inc.
a member of the LexisNexis Group.
All rights reserved.

*** This document is current through the 2014 Supplement ***
(All 2013 legislation)

GOVERNMENT CODE
Title 9. Political Reform
Chapter 5. Limitations on Contributions
Article 2. Candidacy

GO TO CALIFORNIA CODES ARCHIVE DIRECTORY

Cal Gov Code § 85201 (2014)

§ 85201. Establishment of campaign contribution account

(a) Upon the filing of the statement of intention pursuant to Section 85200, the individual shall establish one campaign contribution account at an office of a financial institution located in the state.

(b) As required by subdivision (f) of Section 84102, a candidate who raises contributions of one thousand dollars (\$1,000) or more in a calendar year shall set forth the name and address of the financial institution where the candidate has established a campaign contribution account and the account number on the committee statement of organization filed pursuant to Sections 84101 and 84103.

(c) All contributions or loans made to the candidate, to a person on behalf of the candidate, or to the candidate's controlled committee shall be deposited in the account.

✓ (d) Any personal funds which will be utilized to promote the election of the candidate shall be deposited in the account prior to expenditure.

(e) All campaign expenditures shall be made from the account.

(f) Subdivisions (d) and (e) do not apply to a candidate's payment for a filing fee and statement of qualifications from his or her personal funds.

(g) This section does not apply to a candidate who will not receive contributions and who makes expenditures from personal funds of less than one thousand dollars (\$1,000) in a calendar year to support his or her candidacy. For purposes of this section, a candidate's payment for a filing fee and statement of qualifications shall not be included in calculating the total expenditures made.

(h) An individual who raises contributions from others for his or her campaign, but who raises or spends less than one thousand dollars (\$1,000) in a calendar year, and does not qualify as a committee under Section 82013, shall establish a campaign contribution account pursuant to subdivision (a), but is not required to file a committee statement of organization pursuant to Section 84101 or other statement of bank account information.

HISTORY:

Addition adopted by voters, Prop 73 § 1, effective June 8, 1988, operative January 1, 1989. Amended Stats 1990 ch 387 § 1 (AB 4121); Stats 1991 ch 1078 § 2 (AB 560); Stats 1996 ch 289 § 2 (SB 2060); Stats 1997 ch 394 § 5 (SB 363); Stats 2000 ch 853 § 10 (SB 2076).

NOTES:**Former Sections:**

Former Gov C § 85201, relating to limitation on expenditure, was added by initiative measure adopted June 4, 1974, operative January 7, 1975, and repealed Stats 1977 ch 1095 § 4.

There was another section of this number, relating to legislative caucus committee, which was adopted by voters, Prop 68 § 1, effective June 8, 1988, operative January 1, 1987, and held inoperative November 1, 1990 by decision of California Supreme Court.

Editor's Notes

Proposition 68 was held inoperative in its entirety by the California Supreme Court in *Taxpayers to Limit Campaign Spending v. Fair Political Practices Commission* (1990) 51 Cal.3d 744. See the Notes of Decisions under Proposition 68 following Article 2, §§ 85200 et seq.

Amendments:**1990 Amendment:**

Substituted "10 days" for "24 hours" in subd (b).

1991 Amendment:

Added (1) ", except as provided by subdivision (h)" after "within 10 days" in subd (b); and (2) subds (f), (g) and (h).

1996 Amendment:

(1) Added "an original and one copy of a statement setting forth" in subd (b); (2) substituted "Secretary of State" for "commission" wherever it appears in subds (b) and (h); (3) added the last sentence of subd (b); and (4) substituted "in the manner prescribed in" for "under" in subd (h).



Deering's California Codes Annotated
Copyright © 2014 by Matthew Bender & Company, Inc.
a member of the LexisNexis Group.
All rights reserved.

*** This document is current through the 2014 Supplement ***
(All 2013 legislation)

GOVERNMENT CODE
Title 9. Political Reform
Chapter 2. Definitions

GO TO CALIFORNIA CODES ARCHIVE DIRECTORY

Cal Gov Code § 82015 (2014)

§ 82015. "Contribution"

(a) "Contribution" means a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment except to the extent that full and adequate consideration is received, unless it is clear from the surrounding circumstances that it is not made for political purposes.

(b)

(1) A payment made at the behest of a committee as defined in subdivision (a) of Section 82013 is a contribution to the committee unless full and adequate consideration is received from the committee for making the payment.

(2) A payment made at the behest of a candidate is a contribution to the candidate unless the criteria in either subparagraph (A) or (B) are satisfied:

(A) Full and adequate consideration is received from the candidate.

(B) It is clear from the surrounding circumstances that the payment was made for purposes unrelated to his or her candidacy for elective office. The following types of payments are presumed to be for purposes unrelated to a candidate's candidacy for elective office:

(i) A payment made principally for personal purposes, in which case it may be considered a gift under the provisions of Section 82028. Payments that are otherwise subject to the limits of Section 86203 are presumed to be principally for personal purposes.

(ii) A payment made by a state, local, or federal governmental agency or by a nonprofit organization that is exempt from taxation under *Section 501(c)(3) of the Internal Revenue Code*.

(iii) A payment not covered by clause (i), made principally for legislative, governmental, or charitable purposes, in which case it is neither a gift nor a contribution. However, payments of this type that are made at the behest of a candidate who is an elected officer shall be reported within 30 days following the date on which the payment or payments equal or exceed five thousand dollars (\$5,000) in the aggregate from the same source in the same calendar year in which they are made. The report shall be filed by the elected officer with the elected officer's agency and shall be a public record subject to inspection and copying pursuant to subdivision (a) of Section 81008. The report shall contain the following information: name of payor, address of payor, amount of the payment, date or dates the payment or payments were made, the name and address of the payee, a brief description of the goods or services provided or purchased, if any, and a description of the specific purpose or event for which the payment or payments were made. Once the five-thousand-dollar (\$5,000) aggregate threshold from a single source has been reached for a calendar year, all payments for the calendar year made by that source must be disclosed within 30 days after the date the threshold was reached or the payment was made, whichever occurs later. Within 30 days after receipt of the report, state agencies shall forward a copy of these reports to the Fair Political Practices Commission, and local agencies shall forward a copy of these reports to the officer with whom elected officers of that agency file their campaign statements.

(C) For purposes of subparagraph (B), a payment is made for purposes related to a candidate's candidacy for elective office if all or a portion of the payment is used for election-related activities. For purposes of this subparagraph, "election-related activities" shall include, but are not limited to, the following:

(i) Communications that contain express advocacy of the nomination or election of the candidate or the defeat of his or her opponent.

(ii) Communications that contain reference to the candidate's candidacy for elective office, the candidate's election campaign, or the candidate's or his or her opponent's qualifications for elective office.

(iii) Solicitation of contributions to the candidate or to third persons for use in support of the candidate or in opposition to his or her opponent.

(iv) Arranging, coordinating, developing, writing, distributing, preparing, or planning of any communication or activity described in clause (i), (ii), or (iii).

(v) Recruiting or coordinating campaign activities of campaign volunteers on behalf of the candidate.

(vi) Preparing campaign budgets.

(vii) Preparing campaign finance disclosure statements.

(viii) Communications directed to voters or potential voters as part of activities encouraging or assisting persons to vote if the communication contains express advocacy of the nomination or election of the candidate or the defeat of his or her opponent.

(D) A contribution made at the behest of a candidate for a different candidate or to a committee not controlled by the behesting candidate is not a contribution to the behesting candidate.

(3) A payment made at the behest of a member of the Public Utilities Commission, made principally for legislative, governmental, or charitable purposes, is not a contribution. However, payments of this type shall be reported within 30 days following the date on which the payment or payments equal or exceed five thousand dollars (\$5,000) in the aggregate from the same source in the same calendar year in which they are made. The report shall be filed by the member with the Public Utilities Commission and shall be a public record subject to inspection and copying pursuant to subdivision (a) of Section 81008. The report shall contain the following information: name of payor, address of payor, amount of the payment, date or dates the payment or payments were made, the name and address of the payee, a brief description of the goods or services provided or purchased, if any, and a description of the specific purpose or event for

which the payment or payments were made. Once the five-thousand-dollar (\$5,000) aggregate threshold from a single source has been reached for a calendar year, all payments for the calendar year made by that source must be disclosed within 30 days after the date the threshold was reached or the payment was made, whichever occurs later. Within 30 days after receipt of the report, the Public Utilities Commission shall forward a copy of these reports to the Fair Political Practices Commission.

(c) "Contribution" includes the purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events; the candidate's own money or property used on behalf of his or her candidacy other than personal funds of the candidate used to pay either a filing fee for a declaration of candidacy or a candidate statement prepared pursuant to *Section 13307 of the Elections Code*; the granting of discounts or rebates not extended to the public generally or the granting of discounts or rebates by television and radio stations and newspapers not extended on an equal basis to all candidates for the same office; the payment of compensation by any person for the personal services or expenses of any other person if the services are rendered or expenses incurred on behalf of a candidate or committee without payment of full and adequate consideration.

(d) "Contribution" further includes any transfer of anything of value received by a committee from another committee, unless full and adequate consideration is received.

(e) "Contribution" does not include amounts received pursuant to an enforceable promise to the extent those amounts have been previously reported as a contribution. However, the fact that those amounts have been received shall be indicated in the appropriate campaign statement.

✓ (f) "Contribution" does not include a payment made by an occupant of a home or office for costs related to any meeting or fundraising event held in the occupant's home or office if the costs for the meeting or fundraising event are five hundred dollars (\$500) or less.

(g) Notwithstanding the foregoing definition of "contribution," the term does not include volunteer personal services or payments made by any individual for his or her own travel expenses if the payments are made voluntarily without any understanding or agreement that they shall be, directly or indirectly, repaid to him or her.

(h) "Contribution" further includes the payment of public moneys by a state or local governmental agency for a communication to the public that satisfies both of the following:

(1) The communication expressly advocates the election or defeat of a clearly identified candidate or the qualification, passage, or defeat of a clearly identified measure, or, taken as a whole and in context, unambiguously urges a particular result in an election.

(2) The communication is made at the behest of the affected candidate or committee.

HISTORY:

Added by initiative measure adopted June 4, 1974, operative January 7, 1975. Amended Stats 1980 ch 289 § 1.4; Stats 1997 ch 394 § 2 (SB 363), ch 450 § 1.5 (SB 124), effective September 24, 1997; Stats 2008 ch 418 § 1 (SB 1772), effective January 1, 2009; Stats 2009 ch 363 § 1 (AB 9), effective January 1, 2010.

NOTES:

Amendments:

1980 Amendment: