

INSTRUCTIONS (Reporting Form attached)

Chapter 12.16 of the San José Municipal Code requires the elected officials of the City of San José and its Redevelopment Agency to disclose their fundraising solicitations which result in a contribution or donation. Section 12.16.040, adopted 4/15/2008, amended the Code to require that said disclosure reports be **filed quarterly**.

Reporting/Filing Requirements

DFR1 disclosure reports are **filed with the City Clerk** and become public records. The reports are to be filed by the required dates, whether or not solicitations were made or any contributions were received. If you have nothing to report for any quarter, mark the “Nothing to Report” box at the bottom of the form, add the dates covered at the top, and sign the form.

Reports shall be filed no later than January 15, April 15, July 15 and October 15 for reportable contributions or donations resulting from fundraising solicitations in the preceding calendar quarter.

Important Record Keeping Tip: Because you must report the date of any solicitation which results in a donation, it is very important that you record and track all of your fundraising solicitations. This practice will assist you in meeting your filing obligations.

Disclosure Requirements

Each Elected Official shall disclose any direct fundraising solicitation(s) which resulted in a contribution or donation in any dollar amount or value, made at the behest of or at the request of, the Elected Official to any person or entity, including, but not limited to the following:

1. Donations of funds, goods, or services to, or, payment of funds on behalf of any religious, charitable, nonprofit, governmental or political organization, association, committee or entity, including the City of San José and the Redevelopment Agency of the City of San José;
2. Donations of funds, goods, or services to, or payment of funds on behalf of another Elected Official, City candidate, City ballot measure, elected public official or candidate for elective office or any other campaign committee.

“Made at the behest or at the request of” means at the specific direction of or at the personal request or suggestion of, or with the express prior consent of the Elected Official.

“Direct fundraising solicitation(s)” means:

1. A personal request, made directly by the Elected Official or at the behest of, the Elected Official or through an agent, either orally or in writing, to a person or entity that a contribution or donation be made from:
 - a. A person or entity who is doing business with, involved with or working on any governmental, administrative or legislative action with or before the City of San José or the San José Redevelopment Agency within one year before or after the date of the request; or
 - b. A person or entity who has been or may foreseeably be involved with or working on any governmental, administrative or legislative action with or before the City of San José or the San José Redevelopment Agency within one year before or after the date of the request.
2. Providing the use of the Elected Official’s home or business to hold a fundraising event;
3. Payment by the Elected Official for at least a majority of the costs of a fundraising event.

“Direct fundraising solicitation(s)” does not include:

1. A request by the Elected Official for funds publicly to at least a majority of persons who attend any public gathering, or by making a request that appears or is published in a newspaper, or broadcasted on radio or television; or
2. Supplying names by the Elected Official to be used for invitations for a fundraising event; or
3. Recorded telephone solicitations or participation in telephone banks by the Elected Official; or
4. Inclusion of the Elected Official’s name in the letterhead or in the body of a solicitation letter requesting contributions or donations but which is not sent by or signed by the Elected Official; or
5. Inclusion of the Elected Official’s name in an invitation to a private event or meeting which is not hosted, co-hosted or sponsored by the Elected Official.

The requirements of Chapter 12.16 do not apply to campaign and officeholder contributions and funds for Elected Officials.