

2/10/2020

ITEM 4

City News

City Clerk Statement on Potential Campaign Expenditure Reporting Violation in Relation to March 2020 Special Election

Post Date: 02/04/2020 5:20 PM

FOR IMMEDIATE RELEASE: Tuesday, February 4, 2020

CONTACT: Hosam Haggag, City Clerk, [408-615-2220](tel:408-615-2220) or clerk@santaclaraca.gov

Statement from City Clerk Hosam Haggag: On May 15, 2018, the City of Santa Clara passed a first-of-its-kind Dark Money ordinance. This new ordinance is designed to root out dark money influence in local politics in the form of unreported campaign expenditures. Dark money is political campaign expenditures that are made where the public is not able to determine who is funding it.

As the City's election official, I recently discovered that San Francisco 49ers' CEO Jed York and affiliated entities, including the Forty Niners organization, potentially expended campaign funds, including a sponsored poll in December 2019 designed to influence and affect voters' decisions to vote against Measure C, but did not report the formation of any political committee to the City until months later. The campaign filing only happened after I, in my official capacity as the elections official, sent these parties a warning letter on Friday, Jan. 31, 2020.

The City will soon report this possible violation to the [California Fair Political Practices Commission](#) (FPPC). The City will also notify residents of any additional information that's discovered about other political expenditures in Santa Clara elections that's meant to conceal the source of funding as well as meant to influence and affect voters' decisions.

The following are the facts of what has transpired:

- In December 2019, Santa Clara residents reported receiving an anonymous poll that sought to influence and affect voters' decisions around Measure C, Councilmembers and the City Manager.
- At the Tuesday, Jan. 14, 2020 meeting, I brought forward an informational report to inform the City Council and residents of the poll, reminding the community of the Dark Money ordinance and the legal requirements around reporting of campaign expenditures. I also made a call to action to the community to come forward with any information residents might have on who was behind the anonymous poll, given there was no reporting of that campaign expenditure to date.
- On Friday, Jan. 31, 2020, I sent a letter of notice to seven individuals reportedly involved in the poll - [Jed York](#), CEO, San Francisco 49ers; [Al Guido](#), President, San Francisco 49ers; [Jim Mercurio](#), VP, San Francisco 49ers; [Rahul Chandhok](#), VP, San Francisco 49ers; [Kevin Moore](#), Santa Clara lobbyist; [Ed McGovern](#), Santa Clara Lobbyist of McGovern & Associates Consulting; and [David Metz](#); Partner and

POST MEETING MATERIAL

President, FM3 Research (a political research and consulting firm) – and informed them of potential violation of the campaign expenditure reporting requirements. The letter also informed these individuals of the repercussions of failure to report including but not limited to: prosecution as an infraction or a misdemeanor; civil action for injunctive relief or for damages by any City resident that can include recovery of treble damages; cost of litigation including attorneys' fees; disqualification of an elected official who benefited from the contribution from voting on a matter in which the contributor has a financial interest; and material breach of any contract the violating party may have with the City of Santa Clara or the Santa Clara Stadium Authority and be grounds for termination of said contract.

- On Monday, Feb. 3, 2020, the City Clerk's Office received an official campaign reporting form, informing the City of the creation of a "No on C – Santa Clarans for Voting Rights" campaign committee, sponsored by Jed York and affiliated entities including the Forty Niners Football Company LLC, and the NFL Franchise and Stadium Management as the industry group, affiliation or sponsor. In the forms filed with the City, they reported receiving funds of \$17,125 on Feb. 3, 2020.
- On Tuesday, Feb. 4, 2020, the City received notice of a letter, dated Saturday, Feb. 1, 2020, from the Asian Law Alliance to the attention of Rahul Chandhok (VP, San Francisco 49ers), requesting that the 49ers assist in defeating Measure C in the March 2020 election.
- The City will pursue late filing deadlines and reporting requirements to the FPPC. That's due to failure to register the campaign committee and failure to disclose political contributions and expenditures for the period of July 1-Dec. 31, 2019 by the Jan. 31, 2020 deadline. The City will fully cooperate with the FPPC on pursuing this potential violation, in addition to any other legal action necessary by the City.

Measure C will appear on the March 3, 2020 ballot, asking Santa Clara voters to decide whether to amend the City Charter to elect councilmembers by district. For more details, view ballot measure information on the [City website](#).

The City is committed to ensuring fair and transparent elections in Santa Clara, and to ensure that residents are informed of all political activity leading up to and including elections.

If you have more information on this activity or any other political unreported activity in Santa Clara, please call [408-615-2220](tel:408-615-2220) or email clerk@santaclaraca.gov.

About the City of Santa Clara

Located at the heart of Silicon Valley about 45 miles south of San Francisco, the City of Santa Clara truly is "The Center of What's Possible." Incorporated in 1852, Santa Clara covers an area of 19.3 square miles with an estimated population of 129,498. Santa Clara is home to an extraordinary array of high-tech companies, including Applied Materials, Hewlett-Packard, Intel, Nvidia, Oracle, and Ericsson. The City of Santa Clara is also home to Santa Clara University, California's Great America Theme Park, and Levi's® Stadium, home of the San Francisco 49ers and SB50. For more information, go to

SantaClaraCA.gov.



**City of
Santa Clara**
The Center of What's Possible

Office of the City Clerk

Date: January 31, 2020
To: Jed York, CEO, San Francisco 49ers
From: Hosam Haggag, City Clerk
Subject: Potential Campaign Expenditure Reporting Violation

Dear Mr. York,

In late 2019 many residents reported receiving a phone call soliciting opinions and polling responses concerning political issues within the City of Santa Clara. Questions spanned from opinions of Measure C, City Council Members and the City Manager.

The questions within the poll were undoubtedly designed to influence and affect voters' decisions with regards to Measure C on the upcoming March, 2020 special election ballot.

In addition, questions about current Council Members were designed to influence and affect voters' decisions for the upcoming November, 2020 general election.

I have been informed that you or your organization have provided support. Such support, whether monetary or in-kind, constitute a contribution under the California Fair Political Practices Commission's regulations.

Under City Code Section 2.130.340 (Mandatory Disclosure, under Article X. Dark Money):

All contributions of one hundred dollars (\$100.00) or more to any organization, including but not limited to multipurpose organizations as such organizations are defined in Government Code Section 84222, that makes expenditures that affect or are intended to affect a local Santa Clara election to City office or for or against a local Santa Clara ballot measure shall be reported in the same manner as campaign contributions are required to be reported under SCCC 2.130.280. (Ord. 1979 § 1, 5-15-18).

You are required to report this contribution to the City Clerk's office, pursuant to Article X. Failure to report this contribution would subject you to the enforcement provisions set forth in 2.130.360, including but not limited to prosecution as an infraction or a misdemeanor; civil action for injunctive relief or for damages by any City resident that can include recovery of treble damages; cost of litigation including attorneys' fees; disqualification of an elected official who benefited from the contribution from voting on a matter in which the contributor has a financial interest, and material breach of any contract you may have with the City of Santa Clara or the Santa Clara Stadium Authority and be grounds for termination of said contract.

I look forward to you resolving this matter forthwith. Please contact me for any questions you may have.

Thank you,

Hosam Haggag
City Clerk

cc: City Attorney



**City of
Santa Clara**
The Center of What's Possible

Office of the City Clerk

Date: January 31, 2020
To: Jim Mercurio, VP, San Francisco 49ers
From: Hosam Haggag, City Clerk
Subject: Potential Campaign Expenditure Reporting Violation

Dear Mr. Mercurio,

In late 2019 many residents reported receiving a phone call soliciting opinions and polling responses concerning political issues within the City of Santa Clara. Questions spanned from opinions of Measure C, City Council Members and the City Manager.

The questions within the poll were undoubtedly designed to influence and affect voters' decisions with regards to Measure C on the upcoming March, 2020 special election ballot.

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I look forward to you resolving this matter forthwith. Please contact me for any questions you may have.

Thank you,

Hosam Haggag
City Clerk

cc: City Attorney



**City of
Santa Clara**
The Center of What's Possible

Office of the City Clerk

Date: January 31, 2020
To: Al Guido, President, San Francisco 49ers
From: Hosam Haggag, City Clerk
Subject: Potential Campaign Expenditure Reporting Violation

Dear Mr. Guido,

In late 2019 many residents reported receiving a phone call soliciting opinions and polling responses concerning political issues within the City of Santa Clara. Questions spanned from opinions of Measure C, City Council Members and the City Manager.

The questions within the poll were undoubtedly designed to influence and affect voters' decisions with regards to Measure C on the upcoming March, 2020 special election ballot.

In addition, questions about current Council Members were designed to influence and affect voters' decisions for the upcoming November, 2020 general election.

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I look forward to you resolving this matter forthwith. Please contact me for any questions you may have.

Thank you,

Hosam Haggag
City Clerk

cc: City Attorney



City of Santa Clara

The Center of What's Possible

Office of the City Clerk

Date: January 31, 2020
To: Rahul Chandhok, VP, San Francisco 49ers
From: Hosam Haggag, City Clerk
Subject: Potential Campaign Expenditure Reporting Violation

Dear Mr. Chandhok,

In late 2019 many residents reported receiving a phone call soliciting opinions and polling responses concerning political issues within the City of Santa Clara. Questions spanned from opinions of Measure C, City Council Members and the City Manager.

The questions within the poll were undoubtedly designed to influence and affect voters' decisions with regards to Measure C on the upcoming March, 2020 special election ballot.

In addition, questions about current Council Members were designed to influence and affect voters' decisions for the upcoming November, 2020 general election.

I have been informed that you or your organization have provided support. Such support, whether monetary or in-kind, constitute a contribution under the California Fair Political Practices Commission's regulations.

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I look forward to you resolving this matter forthwith. Please contact me for any questions you may have.

Thank you,

Hosam Haggag
City Clerk

cc: City Attorney



**City of
Santa Clara**
The Center of What's Possible

Office of the City Clerk

Date: January 31, 2020
To: Ed McGovern, McGovern & Associates Consulting
From: Hosam Haggag, City Clerk
Subject: Potential Campaign Expenditure Reporting Violation

Dear Mr. McGovern,

In late 2019 many residents reported receiving a phone call soliciting opinions and polling responses concerning political issues within the City of Santa Clara. Questions spanned from opinions of Measure C, City Council Members and the City Manager.

The questions within the poll were undoubtedly designed to influence and affect voters' decisions with regards to Measure C on the upcoming March, 2020 special election ballot.

In addition, questions about current Council Members were designed to influence and affect voters' decisions for the upcoming November, 2020 general election.

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I look forward to you resolving this matter forthwith. Please contact me for any questions you may have.

Thank you,

Hosam Haggag
City Clerk

cc: City Attorney



**City of
Santa Clara**
The Center of What's Possible

Office of the City Clerk

Date: January 31, 2020
To: David Metz, Partner and President, FM3 Research
From: Hosam Haggag, City Clerk
Subject: Potential Campaign Expenditure Reporting Violation

Dear Mr. Metz,

In late 2019 many residents reported receiving a phone call soliciting opinions and polling responses concerning political issues within the City of Santa Clara. Questions spanned from opinions of Measure C, City Council Members and the City Manager.

The questions within the poll were undoubtedly designed to influence and affect voters' decisions with regards to Measure C on the upcoming March, 2020 special election ballot.

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I look forward to you resolving this matter forthwith. Please contact me for any questions you may have.

Thank you,

Hosam Haggag
City Clerk

cc: City Attorney



**City of
Santa Clara**
The Center of What's Possible

Office of the City Clerk

Date: January 31, 2020
To: Kevin Moore
From: Hosam Haggag, City Clerk
Subject: Potential Campaign Expenditure Reporting Violation

Dear Mr. Moore,

In late 2019 many residents reported receiving a phone call soliciting opinions and polling responses concerning political issues within the City of Santa Clara. Questions spanned from opinions of Measure C, City Council Members and the City Manager.

The questions within the poll were undoubtedly designed to influence and affect voters' decisions with regards to Measure C on the upcoming March, 2020 special election ballot.

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I look forward to you resolving this matter forthwith. Please contact me for any questions you may have.

Thank you,

Hosam Haggag
City Clerk

cc: City Attorney

Statement of Organization Recipient Committee

Statement Type

☒ Initial
☐ Not yet qualified
or
☒ Date qualification threshold met

02 / 03 / 2020

☐ Amendment

☐ Termination - See Part 5

Date of termination

____/____/____

1. Committee Information

I.D. Number
(if applicable)

NAME OF COMMITTEE

No on C -- Santa Clarans for Voting Rights, a coalition of community and civic organizations and individuals, sponsored by John Edward (Jed) York and Affiliated Entities, including the Forty Niners Football Company LLC

STREET ADDRESS (NO P.O. BOX)

CITY

STATE

ZIP CODE

AREA CODE/PHONE

Sacramento

CA

95814

FULL MAILING ADDRESS (IF DIFFERENT)

E-MAIL ADDRESS (REQUIRED) / FAX (OPTIONAL)

COUNTY OF DOMICILE

JURISDICTION WHERE COMMITTEE IS ACTIVE

Santa Clara

City of Santa Clara

Attach additional information on appropriately labeled continuation sheets.

3. Verification

I have used all reasonable diligence in preparing this statement and certify that the information provided is true and correct, and that I am not aware of any information that would render the information provided false or misleading.

Executed on 2/3/2020

By

DATE

Executed on

By

DATE

Executed on

By

DATE

Executed on

By

DATE

SIGNATURE OF CONTROLLING OFFICER/HOLDER, CANDIDATE, OR STATE MEASURE PROponent

SIGNATURE OF CONTROLLING OFFICER/HOLDER, CANDIDATE, OR STATE MEASURE PROponent

FPPC Form 410 (August/2018)
FPPC Advice: advice@fppc.ca.gov (866/275-3772)
www.fppc.ca.gov

CALIFORNIA
FORM 410

For Official Use Only

Date Stamp

2020 FEB -3 PM 1:45

2. Treasurer and Other Principal Officers

NAME OF TREASURER

Russell H. Miller

STREET ADDRESS (NO P.O. BOX)

CITY

Burlingame

STATE

CA

ZIP CODE

94010

AREA CODE/PHONE

NAME OF ASSISTANT TREASURER, IF ANY

Rebecca J. Olson

STREET ADDRESS (NO P.O. BOX)

CITY

Sacramento

STATE

CA

ZIP CODE

95814

AREA CODE/PHONE

NAME OF PRINCIPAL OFFICER(S)

See attached

STREET ADDRESS (NO P.O. BOX)

CITY

Sacramento

STATE

CA

ZIP CODE

95814

AREA CODE/PHONE

I certify under penalty of perjury under the laws of the State of California that the information provided herein is true and complete.

Statement of Organization
Recipient Committee

INSTRUCTIONS ON REVERSE

CALIFORNIA
FORM 410

Page 2

I.D. NUMBER

COMMITTEE NAME
No on C -- Santa Clarans for Voting Rights, a coalition of community and civic organizations and individuals, sponsored by John

- All committees must list the financial institution where the campaign bank account is located.

NAME OF FINANCIAL INSTITUTION

US Bank

AREA CODE/PHONE

916-498-3419

BANK ACCOUNT NUMBER

ADDRESS

621 Capitol Mall, Suite 800

CITY

Sacramento

STATE

CA

ZIP CODE

95814

4. Type of Committee Complete the applicable section:

Controlled Committee

- List the name of each controlling officeholder, candidate, or state measure proponent. If candidate or officeholder controlled, also list the elective office sought or held, and district number, if any, and the year of the election.
- List the political party with which each officeholder or candidate is affiliated or check "nonpartisan." Stating "No party preference" is acceptable.
- If this committee acts jointly with another controlled committee, list the name and identification number of the other controlled committee.

NAME OF CANDIDATE/OFFICEHOLDER/STATE MEASURE PROPONENT

ELECTIVE OFFICE SOUGHT OR HELD
(INCLUDE DISTRICT NUMBER IF APPLICABLE)

YEAR OF
ELECTION

PARTY
CHECK ONE

Nonpartisan ☐

Partisan ☐

Partisan (list political party below)

NAME OF CANDIDATE/OFFICEHOLDER/STATE MEASURE PROPONENT

ELECTIVE OFFICE SOUGHT OR HELD
(INCLUDE DISTRICT NUMBER IF APPLICABLE)

YEAR OF
ELECTION

PARTY
CHECK ONE

Nonpartisan ☐

Partisan ☐

Partisan (list political party below)

Primarily Formed Committee

Primarily formed to support or oppose specific candidates or measures in a single election. List below:

CANDIDATE(S) NAME OR MEASURE(S) FULL TITLE (INCLUDE BALLOT NO. OR LETTER)
IF A RECALL, STATE "RECALL" IN FRONT OF THE OFFICEHOLDER'S NAME.

CANDIDATE(S) OFFICE SOUGHT OR HELD OR MEASURE(S) JURISDICTION
(INCLUDE DISTRICT NO., CITY OR COUNTY, AS APPLICABLE)

Measure C -- Redistricting

San Mateo City (11/3/2020 ballot)

CHECK ONE

SUPPORT ☐

OPPOSE ☒

SUPPORT ☐

OPPOSE ☐

**Statement of Organization
Recipient Committee**

INSTRUCTIONS ON REVERSE

**CALIFORNIA
FORM 410**

Page 3

I.D. NUMBER

COMMITTEE NAME

No on C -- Santa Clarans for Voting Rights, a coalition of community and civic organizations and individuals, sponsored by John

4. Type of Committee (Continued)

General Purpose Committee

Not formed to support or oppose specific candidates or measures in a single election. Check only one box:

☐ CITY Committee

☐ COUNTY Committee

☐ STATE Committee

PROVIDE BRIEF DESCRIPTION OF ACTIVITY

Sponsored Committee

List additional sponsors on an attachment.

NAME OF SPONSOR

John Edward (Jed) York & Affiliated Entities

STREET ADDRESS

4949 Marie P. DeBartolo Way

NO. AND STREET

CITY

Santa Clara

STATE

CA

ZIP CODE

95054

AREA CODE/PHONE

408-562-4949

Small Contributor Committee

☐

____/____/____
Date qualified

5. Termination Requirements

By signing the verification, the treasurer, assistant treasurer, and/or candidate, officeholder, or proponent certify that all of the following conditions have been met:

- This committee has ceased to receive contributions and make expenditures;
 - This committee does not anticipate receiving contributions or making expenditures in the future;
 - This committee has eliminated or has no intention or ability to discharge all debts, loans received, and other obligations;
 - This committee has no surplus funds; and
 - This committee has filed all campaign statements required by the Political Reform Act disclosing all reportable transactions.
- There are restrictions on the disposition of surplus campaign funds held by elected officers who are leaving office and by defeated candidates. Refer to Government Code Section 89519.

- Leftover funds of ballot measure committees may be used for political, legislative or governmental purposes under Government Code Sections 89511 - 89518, and are subject to Elections Code Section 18680 and FPPC Regulation 18521.5.

497 Contribution Report

Amounts may be rounded to whole dollars.

NAME OF FILER No on C - Santa Clarans for Voting Rights		Date of This Filing 2/3/2020	Date Stamp 2020 FEB -3 PM 1:45	CALIFORNIA FORM 497 For Official Use Only
AREA CODE/PHONE NUMBER	I.D. NUMBER (if applicable) Requested	Report No. 1		
STREET ADDRESS		<input type="checkbox"/> Amendment to Report No. (explain below) No. of Pages 1		
CITY Sacramento	STATE CA	ZIP CODE 95814		

1. Contribution(s) Received

DATE RECEIVED	FULL NAME, STREET ADDRESS AND ZIP CODE OF CONTRIBUTOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CONTRIBUTOR CODE*	IF AN INDIVIDUAL ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	AMOUNT RECEIVED
2/3/2020	John Edward (Jed) York and Affiliated Entities, including the Forty Niners Football Company LLC 4949 Marie P. DeBartolo Way Santa Clara, CA 95054	<input type="checkbox"/> IND <input type="checkbox"/> COM <input checked="" type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	N/A	\$17,125.00 <input type="checkbox"/> Check if Loan Provide interest rate _____%
		<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		<input type="checkbox"/> Check if Loan Provide interest rate _____%
		<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		<input type="checkbox"/> Check if Loan Provide interest rate _____%

* Contributor Codes

IND - Individual
 COM - Recipient Committee (other than PTY or SCC)
 OTH - Other (e.g., business entity)
 PTY - Political Party
 SCC - Small Contributor Committee

Reason for Amendment: _____

REC'D VIA FAX

Late Contribution Report

CITY OF SANTA CLARA
OFFICE OF THE CITY CLERK
LATE CONTRIBUTION REPORT

NAME OF FILER No on C Santa Clarans for Voting Rights, a coalition of community & civic orgs & individuals, sponsored by John		Date of This Filing 02/05/2020		PH 4: CALIFORNIA FORM 497 For Official Use Only
AREA CODE / PHONE NUMBER	I.D. Number (if applicable) 1424766	Report No. LCR-20200204		
STREET ADDRESS		<input type="checkbox"/> Amendment to RptNo. _____		
CITY Sacramento	STATE CA	ZIP CODE 95814	No. of Pages: 1	

Late Contribution(s) Received

DATE RECEIVED	FULL NAME, STREET ADDRESS AND ZIP CODE OF CONTRIBUTOR	CONTRIBUTOR CODE **	IF AN INDIVIDUAL, OCCUPATION & EMPLOYER or BUSINESS NAME IF COMMITTEE - ID NUMBER	AMOUNT RECEIVED
02/04/2020	John Edward York (Jed) York and Affiliated Entities 4949 Mari P DeBartolo Way Santa Clara CA 95054	OTH		300,000.00

☐ Check if Loan
%
Provide interest rate

** Contributor Codes
IND - Individual
COM - Recipient Committee (Other than PTY or SCC)
OTH - Other (e.g. business entity)
PTY - Political Party
SCC - Small Contributor Committee

February 1, 2020

Mr. Rahul Chandhok
San Francisco 49ers
4900 Marie P DeBartolo Way
Santa Clara, CA 95054

Dear Mr. Chandhok:

First, we'd like to wish the team good luck tomorrow. What a great accomplishment to reach the Super Bowl this year. Congratulations.

My purpose in writing is to request the 49ers organization help to defeat Measure C in Santa Clara placed on the ballot for the March election. I write on behalf of Reverend Jethroe Moore II of the San Jose- Silicon Valley NAACP, Victor Garza of La Raza Roundtable and former State Assemblyman Paul Fong.

As a valued community organization in Santa Clara, we know the 49ers share our collective and steadfast belief that we can build strong and healthy communities when all of our voices are heard and represented. For that reason, we urge you to join us in our fight to defeat Measure C.

Measure C would amend the Santa Clara city charter to reduce City Council districts from six to three, with the consequence of disenfranchising minority and underserved communities. To be clear, if passed, Measure C would institutionalize anti-democratic elections in Santa Clara that would deny many in the community equal representation on the City Council—a fact that has been affirmed by the Santa Clara County Courts.

In 2018, the Santa Clara County Superior Court ruled that the city's at-large election system was a direct violation of the California Voting Rights Act. Furthermore, the Court mandated Santa Clara adopt a six-district election system that guarantees that members elected to the City Council live and reflect the needs of the communities they serve.

In nearly 40 years, Santa Clara has only elected one non-white City Council member. And that member was elected under the new system of six council districts. Santa Clara's economic and cultural vibrancy is enhanced by its rich diversity. There is no doubt that there is a better democracy and a better Santa Clara when that diversity is reflected and represented in local government.

Measure C is bad for democracy and bad for Santa Clara. Nevertheless, there are those who want to maintain the antiquated and illegal system of government for political power motives. These individuals are invested in the passage of Measure C. We simply cannot allow that to happen.

We hope that you will join us publicly and with resources to reach the voters in ensuring Measure C is defeated on March 3, 2020.

We look forward to discussing this further.

Sincerely,

Richard Konda
Executive Director
Asian Law Alliance
408-823-0799
rgkonda@hotmail.com

*organizations listed for identification purposes only

CITY OF SANTA CLARA
OFFICE OF THE CITY CLERK

2020 FEB -7 PM 12:41

2/7/2020

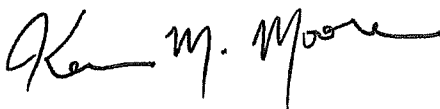
Dear City Clerk,

I have received from you the January 31, 2020 Potential Campaign Expenditure Reporting Violation Notice.

I have not engaged in any phone calls or polling methods, and have provided no support to any organization concerning political issues within the City of Santa Clara on issues spanning from opinions of Measure C, City Council Members, or the City Manager that may have been designed to influence and effect voters' decisions with regard to Measure C on the upcoming March 2020 special election ballot, or decisions for the upcoming November 2020 general election.

In the event you have evidence to the contrary, please provide such evidence to me.

Regards,

A handwritten signature in black ink, appearing to read "Kevin M. Moore". The signature is fluid and cursive, with the first name "Kevin" and last name "Moore" clearly distinguishable.

Kevin M. Moore
2375 Rosita Avenue, Santa Clara CA 95050
408-728-1786



**City of
Santa Clara**
The Center of What's Possible

Office of the City Clerk

Date: February 7, 2020
To: Jed York, CEO, San Francisco 49ers / No on C sponsor,
Russell H. Miller, No on C Treasurer
Rebecca J. Olson, No on C Assistant Treasurer
From: Hosam Haggag, City Clerk
Subject: Potential Campaign Expenditure Reporting Violation

Dear Mr. York, Mr. Miller and Ms. Olson,

I am writing to you seeking clarification of the Campaign Committee filings your new organization "No on C – Santa Clarans for Voting Rights, a coalition of community and civic organizations and individuals, sponsored by John Edward (Jed) York and Affiliated Entities, including the Forty Niners Football Company LLC".

To date, the City has received the Statement of Organization (California's Fair Political Practices Commission Form 410) on Feb. 3, 2020, as well as an initial Contribution Report (FPPC Form 497) on Feb. 3, 2020 indicating a Feb 3, 2020 contribution totaling \$17,125 from John Edward (Jed) York and Affiliated Entities, including the Forty Niners Football Company LLC, and a subsequent Contribution Report (FPPC Form 497) on Feb. 5, 2020, indicating a Feb. 4, 2020 contribution totaling \$300,000 from John Edward (Jed) York and Affiliated Entities.

The City has not received any Contribution Reports for potential contributions made (whether monetary or in-kind) covering the Semi-Annual Campaign Disclosure Statement filing period covering July 1, 2019 through Dec. 31, 2019, which was due Jan. 31, 2020, nor has it received any Contribution Reports for potential contributions made (whether monetary or in-kind) covering the 1st Pre-Election Campaign Disclosure Statement filing period covering Jan. 1, 2020 through Jan. 18, 2020. The City has also not received any Expenditure Reports whatsoever for expenditures made during any period by your campaign committee.

I am seeking clarification on whether the "No on C" campaign committee intends to file any campaign disclosure statements (Contribution Reports and/or Expenditure Reports) for the Semi-Annual Campaign Disclosure Statement period, or the 1st Pre-Election Campaign Disclosure Statement period.

Failure to report any campaign disclosure statements covering either period would constitute a violation of FPPC regulations and would also constitute a violation of Santa Clara's Dark Money Ordinance.

Under City Code Section 2.130.340 (Mandatory Disclosure, under Article X. Dark Money):

All contributions of one hundred dollars (\$100.00) or more to any organization, including but not limited to multipurpose organizations as such organizations are defined in Government Code Section 84222, that makes expenditures that affect or are intended to affect a local Santa Clara election to City office or for or against a local Santa Clara ballot



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measure shall be reported in the same manner as campaign contributions are required to be reported under SCCC 2.130.280. (Ord. 1979 § 1, 5-15-18).

Failure to report any contribution pursuant to this section would subject you to the enforcement provisions set forth in 2.130.360, including but not limited to prosecution as an infraction or a misdemeanor; civil action for injunctive relief or for damages by any City resident that can include recovery of treble damages; cost of litigation including attorneys' fees; disqualification of an elected official who benefited from the contribution from voting on a matter in which the contributor has a financial interest, and material breach of any contract you may have with the City of Santa Clara or the Santa Clara Stadium Authority and be grounds for termination of said contract.

I look forward to your clarification of this matter and resolution of any outstanding delinquent reporting requirements forthwith. Please contact me for any questions you may have.

Thank you,

A handwritten signature in black ink, appearing to read "Hosam Haggag".

Hosam Haggag
City Clerk

cc: City Attorney