

COMPLAINTS OF ALLEGED VIOLATIONS

1. Any person may file a complaint alleging possible violations of the campaign finance, lobbying, conflicts of interest and certain governmental ethics ordinances set forth in Title 12 of the San Jose Municipal Code.
2. Complaints shall only be filed with the City Clerk who shall act as the Secretary to the Commission.
3. Complaints may be filed on the complaint form that is approved by the Commission and available in the Office of the City Clerk or from the City Clerk's website. In addition, the City Clerk may accept complaints, which provide the specificity and detail, including the identity of the Complainant, as required by the Regulations, by letter or electronic mail.
4. All written complaints which provide specificity and detail, including the identity of the Complainant, and which are filed with the City Clerk, shall be forwarded promptly to the Evaluator by the City Clerk. The City Clerk must also notify the Commission members promptly that a complaint has been filed, the date the complaint was filed and the general nature of the complaint.
5. A complaint shall provide as much specificity and detail as possible, including facts constituting the alleged violations, the name and address of the person who is alleged to have violated an ordinance and the names and addresses of potential witnesses.
6. A complaint may be submitted anonymously only by calling the "Elections Commission Anonymous Complaint Hotline" at 408-975-2666 (ANON). The Complainant must state good cause for anonymity, which is limited to (a) a City or Redevelopment Agency employee who is not protected by the Civil Service system making a complaint about a supervisor in his or her chain of command; or (b) a private sector employee making a complaint about his or her employer. The Chair of the Commission, or the Vice-Chair, if the Chair is not available, will assess whether there is good cause for anonymity. It is recommended, but not required, that the Complainant provide a telephone number for the Commissioner reviewing the call to contact the Complainant to gather additional information about the cause for anonymity. If the Commissioner reviewing the call determines the Complainant has good cause for anonymity, the complaint will be forwarded promptly to the Evaluator by the City Clerk. If the Commissioner reviewing the call determines that the Complainant does not have good cause for anonymity, the complaint will not be forwarded to the Evaluator.
7. Complaint forms shall be filed with the City Clerk in person during business hours, by mail, by electronic mail or by facsimile.

8. If a member of the Commission is a complaining party, that member's right to participate is the same as any other complaining party.

9. A member of the Commission who files a complaint may participate and vote on a matter concerning such complaint except in the following circumstances:

a. Where the member of the Commission filing the complaint is a witness who was interviewed by the Evaluator during the investigation of the complaint because of the member's personal knowledge of the alleged violation; or

b. Where a member of the Commission files a complaint based on the member's personal knowledge of facts and circumstances beyond the member's information and belief that there may be a violation of the San Jose Municipal Code.