

1 CITY OF SANTA FE, NEW MEXICO

2 ORDINANCE NO. 2019-9

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4  
5 AN ORDINANCE

6 AMENDING AND REPEALING VARIOUS SECTIONS OF THE ELECTION CODE,  
7 SECTION 9-1 SFCC 1987, TO ACCOMMODATE RECENT CHANGES IN STATE LAW  
8 GOVERNING LOCAL ELECTIONS; AND ENACTING A NEW PROVISION OF THE  
9 ELECTION CODE TO AUTHORIZE EITHER THE CITY CLERK OR THE ETHICS  
10 AND CAMPAIGN REVIEW BOARD TO ADOPT RULES APPLYING THE CODE.

11  
12 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

13 Section 1. Section 9-1.5 SFCC 1987 (being Ord. No. 1985-60, § 5, as amended)  
14 is amended to read.

15 9-1.5 Residency of candidates.

16 A. In determining the residency of candidates, the rules set forth in Section 1-1-7  
17 NMSA 1978 shall apply.

18 1. *City Councilor Candidates.* Only persons residing in the municipal  
19 election district they seek to represent and who otherwise meet all applicable  
20 requirements imposed by law or ordinance shall be allowed to be candidates for the  
21 position of city councilor.

22 2. *Mayor and Municipal Judge Candidates.* Only persons residing in the  
23 city of Santa Fe and who otherwise meet all applicable requirements imposed by law  
24 or ordinance shall be allowed to be candidates for the position of mayor or municipal  
25 judge.

1           **Section 2.       Section 9-1.6 SFCC 1987 (being Ord. No. 1985-60, § 6, as amended)**  
2 **is amended to read:**

3           **9-1.6. Election resolution; nominating petition; declaration of candidacy; posting a**  
4 **list of qualified candidates.**

5           A.       *Election Resolution.* An election resolution shall be adopted by the governing  
6 body no earlier than one hundred fifty (150) days and no later than one hundred twenty (120)  
7 days prior to the date of a regular municipal election. The election resolution shall include a list  
8 of the positions that are to be filled at the election and serve as the election proclamation referred  
9 to in Section 4.03(C) of the Santa Fe Municipal Charter. Notification of the election resolution  
10 shall be delivered to the county clerk pursuant to Section 1-22-4(A) NMSA 1978.

11           B.       *Nominating Petitions.* Nominating petitions shall be prepared, circulated, and  
12 filed in accordance with the requirements of the New Mexico Election Code § 3-1-5 NMSA 1978  
13 and Section 4.03 of the Santa Fe Municipal Charter and shall be submitted for certification by the  
14 city clerk.

15           C.       *Declaration of Candidacy.* A declaration of candidacy in the form prescribed by  
16 Section 1-22-8 NMSA 1978 and accompanied by the candidate's certificate of valid nominating  
17 petition shall be submitted:

18                   (1)       By a person who is applying for public financing, to the city clerk with  
19 the person's application for public financing before the end of the qualifying period  
20 pursuant to Section 9-3.8 SFCC 1987 and Section 1-22-3.2(D)(2) NMSA 1978;

21                   (2)       By a person who is not applying for public financing or who has failed to  
22 be approved for public financing but who otherwise qualifies to be a candidate and is  
23 seeking to be listed on the ballot, to the county clerk on the seventieth (70th) day before  
24 the election pursuant to Sections 1-22-3.2(D)(5) and 1-22-7 NMSA 1978; and

25                   (3)       By a person seeking to be a write-in candidate, to the county clerk on the

1 sixty-third (63rd) day before the election pursuant to Section 1-22-8.1 NMSA 1978.

2 D. *Qualification of Candidates.* Determinations of the qualifications of candidates  
3 to be listed on the ballot or to run as write-in candidates are made by the county clerk pursuant to  
4 Sections 1-22-3.2(D)(3), 1-22-8.1 and 1-22-10 NMSA 1978.

5 E. *Posting the List of Qualified Candidates.* Within one day of receipt of  
6 notification from the county clerk of the county clerk's determination of qualified candidates, the  
7 city clerk shall post the list of the candidates' names in the city clerk's office.

8 **Section 3. [REPEAL] Section 9-1.7 SFCC 1987 (being Ord. No. 1985-60, § 7, as**  
9 **amended) is hereby repealed.**

10 **Section 4. [REPEAL] Section 9-1.8 SFCC 1987 (being Ord. No. 1985-60, § 8, as**  
11 **amended) is hereby repealed.**

12 **Section 5. [REPEAL] Section 9-1.9 SFCC 1987 (being Ord. No. 1985-60, § 9, as**  
13 **amended) is hereby repealed.**

14 **Section 6. A new Section 9-1.9 SFCC 1987 is ordained to read:**

15 **Section 9-1.9 [NEW MATERIAL] Rules and Educational Materials.**

16 Either the city clerk or the ethics and campaign review board may adopt rules and  
17 develop educational materials explaining and applying the provisions of this Section.

18 **Section 7. [REPEAL] Section 9-1.10 SFCC 1987 (being Ord. No. 1985-60, § 10, as**  
19 **amended) is hereby repealed.**

20 **Section 8. [REPEAL] Section 9-1.11 SFCC 1987 (being Ord. No. 1976-1, Code § 1-**  
21 **20, as amended) is hereby repealed.**

22 **Section 9. [REPEAL] Section 9-1.12 SFCC 1987 (being Ord. No. 1976-1, Code § 1-**  
23 **21, as amended) is hereby repealed.**

24 **Section 10. [REPEAL] Section 9-1.13 SFCC 1987 (being Ord. No. 1976-1, Code § 1-**  
25 **22, as amended) is hereby repealed.**

1           Section 11. **[REPEAL]** Section 9-1.14 SFCC 1987 (being Ord. No. 1976-1, Code § 1-  
2 23, as amended) is hereby repealed.

3           Section 12.     Section 9-1.15 SFCC 1987 (being Ord. No. 2017-26, § 1) is amended  
4 to read 9-1.7.

5           Section 13. **[REPEAL]** Section 9-1.16 SFCC 1987 (being Ord. No. 1985-60, § 12, as  
6 amended) is hereby repealed.


7           Section 14. **[REPEAL]** Section 9-1.17 SFCC 1987 (being Ord. No. 1985-60, § 13, as  
8 amended) is hereby repealed.

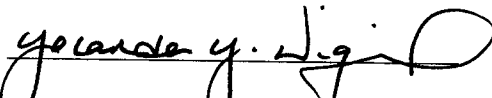
9           Section 15.     Section 9-1.18 SFCC 1987 (being Ord. No. 2018-24, § 2) is amended  
10 to read 9-1.8.

11          Section 16. **[REPEAL]** Section 9-1.19 SFCC 1987 (being Ord. No. 2018-24, § 3) is  
12 hereby repealed.

13           PASSED, APPROVED, and ADOPTED this 29<sup>th</sup> day of May, 2019

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16  
17 ATTEST:

  
ALAN M. WEBBER, MAYOR

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19   
20 YOLANDA Y. VIGIL, CITY CLERK

21 APPROVED AS TO FORM:

22   
23  
24 ERIN K. McSHERRY, CITY ATTORNEY

25 *Legislation/2019/Ordinances/2019-9 Election Code Changes*