

1 **CITY OF SANTA FE, NEW MEXICO**

2 **BILL NO. 2009-42**

3 **INTRODUCED BY:**

4 Councilor Romero

5 Mayor Coss

6 Councilor Calvert

7
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9
10 **AN ORDINANCE**

11 **AMENDING SECTION 9-2.9 SFCC 1987 SPECIFYING WHAT CAMPAIGN**
12 **CONTRIBUTIONS SHALL NOT BE USED FOR; AND AMENDING SECTION 9-2.14**
13 **SFCC 1987 ESTABLISHING CAMPAIGN CONTRIBUTION LIMITS.**

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15 **BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:**

16 **Section 1. Section 9-2.9 SFCC 1987 (being Ord. #1998-41, §7 as amended) is**
17 **amended to read:**

18 **9-2.9 Campaign Treasurer; Deputy Campaign Treasurer; Duties.**

19 A. The campaign treasurer or deputy campaign treasurer shall keep a true and full
20 record of contributions and expenditures. The record of contributions and expenditures required
21 to be kept under the terms of the Campaign Code shall include but not be limited to:

22 (1) The full name and complete mailing address of every individual
23 contributor of an amount of twenty-five dollars (\$25.) or more or an aggregate of
24 contributions of a single contributor totaling twenty-five dollars (\$25.) or more for the
25 period of time beginning with the acceptance of the first contribution;

1 (2) The full name and complete mailing address of every business and
2 political committee which contributes twenty-five dollars (\$25.) or more or an aggregate
3 of contributions from a business and political committee totaling twenty-five dollars
4 (\$25.) or more for the period of time beginning with the acceptance of the first
5 contribution;

6 (3) The amount and form of every contribution;

7 (4) The aggregate donated by each such contributor. Contributions of less
8 than twenty-five dollars (\$25.) from any individual or from any business or political
9 committee in any campaign shall be reported as a lump sum without identifying the
10 contributor by name;

11 (5) An itemized record of all disbursements, including the name and address
12 of every recipient thereof, receipts reflecting the purpose of each expenditure and the day
13 and method of payment; and

14 (6) All campaign bank records, including deposit slips and canceled checks.

15 B. The campaign treasurer or deputy campaign treasurer shall not accept anonymous
16 donations over twenty-five dollars (\$25.) or more.

17 C. Records required to be kept by the campaign treasurer or deputy campaign
18 treasurer under the terms of paragraph A items (1), (2), (3) and (4) of this subsection, shall be
19 filed with the city clerk as part of the public record, shall be provided to the ethics and campaign
20 review board set forth in Section 6-16, SFCC 1987 upon request and may be inspected by the
21 public during usual business hours, Monday through Friday, excluding legal holidays.

22 D. Records kept by the campaign treasurer or deputy campaign treasurer shall be
23 made current not more than seven (7) days after the date of a contribution or of an expenditure.
24 During the eight (8) days immediately preceding the date of any election for which the political
25 committee has received any contributions or made any expenditures, the books of the account

1 shall be kept current within one (1) business day.

2 E. The campaign treasurer or deputy campaign treasurer shall preserve books of
3 accounts, bills, receipts and all other financial records of the campaign or political committee for
4 two (2) calendar years following the year in which the transaction occurred.

5 F. The campaign treasurer or deputy campaign treasurer shall deposit within five (5)
6 business days after receipt all monetary contributions received by a candidate, political
7 committee, campaign treasurer or deputy campaign treasurer in the campaign depository
8 designated for that purpose.

9 G. Campaign funds shall be used and distributed as follows:

10 (1) All contributions received shall be under the custody of the campaign
11 treasurer or deputy campaign treasurer and shall be segregated from, and not be
12 commingled with, the personal funds of an individual, group or political committee.

13 Contributions shall be used exclusively to pay expenses incurred in furtherance of the
14 candidate's campaign, and shall not be used for any other purpose, including:

15 (a) The candidate's personal living expenses or compensation to the
16 candidate or adult members of the candidate's family;

17 (b) A contribution to the campaign of another candidate or to a
18 political party or political committee or to a campaign supporting or opposing a
19 ballot proposition;

20 (c) An expenditure supporting the election of another candidate or
21 the passage or defeat of a ballot proposition;

22 (d) A purchase of capital assets having a value in excess of one
23 thousand dollars (\$1000.00) and a useful life extending beyond the date of the
24 election; or

25 (e) Any gift or transfer for which compensating value is not

1 received, other than a donation or distribution permitted by this subsection at the
2 conclusion of an election.

3 (2) Any campaign contributions remaining unspent at the conclusion of an
4 election shall be distributed for the following purposes:

5 ~~[(1)]~~ (a) Expenditures of the campaign;

6 ~~[(2) Expenditures of the public official that are reasonably related to~~
7 ~~performing the duties of the office held in order to serve constituents;]~~

8 ~~[(3)]~~ (b) Donations to the city's general fund;

9 ~~[(4)]~~ (c) Donations to charities and/or other non-profit entities; or

10 ~~[(5)]~~ (d) Disbursements to return unused funds to the contributors.

11 (3) All unspent campaign contributions shall be distributed within six (6)
12 months following a municipal election, for any of the purposes listed in this subsection 9-
13 2.9G. All candidates and political committees shall file reports listing the date, amount
14 and recipient of each post-election expenditure, donation or disbursement made from
15 campaign funds pursuant to this subsection 9-2.9G. Such report shall be part of the final
16 campaign finance statement that is required by subsection 9-2.10B SFCC 1987.

17 H. A campaign treasurer, deputy campaign treasurer or political committee may
18 invest funds deposited in the campaign account in an account of indebtedness of a financial
19 institution up to the amount of federal deposit insurance; United States bonds or certificates of
20 indebtedness or those of a federal agency; and/or bonds or warrants of the state or any municipal
21 corporation of the state. All interest, dividends, and/or other income derived from the investment
22 and the principal when repaid shall be deposited in the campaign account.

23 **Section 2. Section 9-2.14 SFCC 1987 (being Ord. #1998-41, §13 as amended) is**
24 **amended to read:**

25 **9-2.14 Spending Limitations; Contribution Limits.**

1 A. A candidate may volunteer, to limit the candidate's expenditures to one dollar
2 (\$1.00) per registered voter in the city for the mayoral or municipal judgeship or one dollar
3 (\$1.00) per registered voter in the applicable district for the city council election.

4 B. A candidate may volunteer to make no contributions to the candidate's own
5 campaign or political committee of personal assets that in aggregate exceeds ten percent (10%) of
6 the applicable expenditure limits for the mayoral or municipal judgeship position. A candidate
7 may volunteer to make no contributions to the candidate's own campaign or political committee
8 of personal assets that in aggregate exceeds twenty-five percent (25%) of the applicable
9 expenditure limits for the city council position.

10 C. No candidate shall accept a contribution in an amount greater than five hundred
11 dollars (\$500.00) or cumulative contributions from a single person or a single source in an
12 amount greater than one thousand five hundred dollars (\$1500.00). For purposes of this section,
13 each of the following shall be considered a single source:

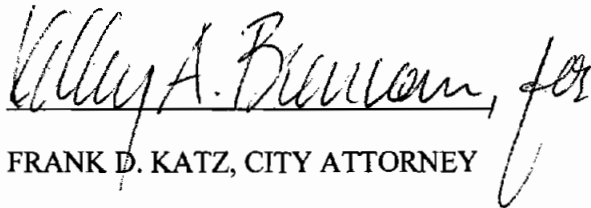
14 (1) Members of the same immediate family;

15 (2) A corporation and its subsidiary;

16 (3) A business entity and its owner; and

17 (4) A political committee or PAC and the persons or entities who organized it.

18 APPROVED AS TO FORM:

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20 Valley A. Brennan, for
21 FRANK D. KATZ, CITY ATTORNEY

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25 Jp/ca/jpmb/campaign contribution limits2