

1 CITY OF SANTA FE, NEW MEXICO

2 ORDINANCE NO. 2011-28

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4  
5 AN ORDINANCE

6 AMENDING THE SANTA FE ELECTION CODE, ARTICLE 9-1 SFCC 1987 AND THE  
7 PUBLIC CAMPAIGN FINANCE CODE, ARTICLE 9-3 SFCC 1987 TO ENCOURAGE  
8 PARTICIPATION IN PUBLIC CAMPAIGN FINANCING BY ADVANCING THE PRE-  
9 ELECTION TIMETABLE; REPEALING SECTIONS 9-3.12 AND 9-3.13 SFCC 1987  
10 REGARDING MATCHING FUNDS; AMENDING SECTION 6-16.7(B) SFCC 1987; AND  
11 MAKING SUCH OTHER CHANGES AS ARE NECESSARY.

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

14 Section 1. Section 9-1.2 SFCC 1987 (being Code 1973, §1-13, as amended) is  
15 amended to read:

16 9-1.2 Conduct of Elections.

17 Municipal elections in the city shall be conducted in accordance with the Santa Fe  
18 Election Code, the Santa Fe Municipal Charter and the New Mexico Municipal Election Code,  
19 being Sections 3-8-1 through 3-9-16 NMSA 1978. Unless inconsistent with the Santa Fe  
20 Municipal Charter or city ordinances, the New Mexico Municipal Election Code shall govern all  
21 municipal elections.

22 Section 2. Section 9-1.5 SFCC 1987 (being Ord. #1985-60, §5) is amended to  
23 read:

24 9-1.5 Residency of Candidates

25 A. Only persons residing in a particular municipal election district and who

1 otherwise meet all applicable requirements imposed by law or ordinance, shall be allowed to be  
2 candidates for the position of city councilor for that municipal election district.

3 B. In determining whether the residence of a person is in a particular district, the  
4 rules set forth in Section 3-8-3 and 1-1-7 NMSA 1978 shall apply.

5 C. In addition to the requirements for a declaration of candidacy set forth in Section  
6 3-8-27 NMSA 1978 and Section 9-1.6 SFCC 1987, the municipal clerk shall not accept a  
7 declaration of candidacy for the position of city councilor unless the declaration of candidacy  
8 states which district the candidate resides in and is seeking election from. The municipal clerk  
9 shall determine if the candidate's residence is within the district from which the candidate is  
10 seeking election. If the candidate does not reside within the district, the municipal clerk shall  
11 determine that the declaration of candidacy is invalid.

12 . **Section 3. Section 9-1.6 SFCC 1987 (being Ord. #1985-60, §6) is repealed and a**  
13 **new Section 9-1.6 SFCC 1987 is ordained to read:**

14 **9-1.6 [NEW MATERIAL] Election Resolution; Declaration of Candidacy;**  
15 **Certification of Candidacy and Withdrawal of Candidacy.**

16 A. *Election Resolution.* The requirements for the regular municipal election  
17 resolution shall be governed by Section 3-8-26 NMSA 1978, except that the election resolution  
18 shall be adopted by the governing body no earlier than one hundred forty-seven (147) days and no  
19 later than one hundred nineteen (119) days prior to the date of a regular municipal election.

20 B. *Candidate Filing Day.* The requirements for candidate filing day shall be  
21 governed by Section 3-8-27(A) NMSA 1978, except that candidate filing day shall occur  
22 between the hours of 8:00 a.m. and 5:00 p.m. on the ninety-first (91<sup>st</sup>) day preceding the day of  
23 election.

24 C. *Certification of Declaration of Candidacy.* The requirements for the certification  
25 of declaration of candidacy shall be governed by Section 3-8-27(G) NMSA 1978, except that no

1 later than the ninetieth (90<sup>th</sup>) day preceding the day of the election, the municipal clerk shall  
2 determine whether a declaration of candidacy shall be certified.

3 D. *Posting the List of Certified and Not Certified Candidates.* The requirements for  
4 posting the list of certified and not certified candidates shall be governed by Section 3-8-27(H)  
5 NMSA 1978, except that the municipal clerk shall post such list no later than 9:00 a.m. on the  
6 eighty-ninth (89<sup>th</sup>) day preceding the election.

7 E. *Candidate Statement to Ascertain Validity of Declaration of Candidacy.* The  
8 requirements for the candidate statement to ascertain validity of declaration of candidacy shall be  
9 governed by Section 3-8-27(D)(5) NMSA 1978, except that the candidate or the candidate's  
10 authorized representative shall contact the office of the municipal clerk during normal business  
11 hours on the eighty-ninth (89<sup>th</sup>) day before the election to ascertain whether the municipal clerk  
12 has certified the declaration of candidacy as valid.

13 F. *Affidavit of Withdrawal of Candidacy.* The requirements for the affidavit of  
14 withdrawal of candidacy shall be governed by Section 3-8-27(I) NMSA 1978, except that no later  
15 than 5:00 p.m. on the eighty-fourth (84<sup>th</sup>) day before the day of the election, a candidate for  
16 municipal office may file an affidavit on the form provided by the municipal clerk in the office of  
17 the municipal clerk stating that the candidate is no longer a candidate for municipal office.

18 G. *Confirmation of Names and Positions on the Ballot.* The requirements for the  
19 confirmation of the names and positions on the ballot shall be governed by Section 3-8-  
20 27(J)NMSA 1978, except that no later than 10:00 a.m. on the eighty-third (83<sup>rd</sup>) day preceding  
21 the election, the municipal clerk shall confirm with the printer on contract with the municipality  
22 and the county clerk the names of the candidates and their position on the ballot.

23 **Section 4. Section 9-1.8 SFCC 1987 (being Ord. #1985-60, §8) is amended to**  
24 **read:**

1           **9-1.8 Ballots.** In addition to the requirements of Section 3-8-29 NMSA 1978:

2           A.       The municipal clerk shall cause all ballots to be printed so that candidates are  
3 grouped for the position of city councilor by district.

4           B.       The order of the candidates on the ballot for city councilor within each district  
5 shall be determined by a drawing by lot, which shall be held at 5:01 p.m. on the eighty-ninth  
6 (89<sup>th</sup>) day preceding the election.

7           C.       The order of the candidates on the ballot for mayor and for municipal judge shall  
8 be determined by a drawing by lot, which shall be held at 5:01 p.m. on the eighty-ninth (89<sup>th</sup>) day  
9 preceding the election.

10           **Section 5.        [REPEAL] Section 9-1.15 SFCC 1987 (being Ord. #1985-60, §11) is**  
11 **repealed.**

12           **Section 6.        Section 9-1.17 SFCC 1987 (being Ord. #1985-60, §13) is amended to**  
13 **read:**

14           **9-1.17 Canvass of Returns, Election Certificate.**

15           Appropriate election officials shall assure that election returns are canvassed and election  
16 certificates are issued for the positions of mayor and municipal judge and on a district-by-district  
17 basis for the position of city councilor.

18           **Section 6.        Section 9-3.1 SFCC 1987 (being Ord. #2009-44, §2) reads:**

19           **9-3.1 Short Title.**

20           Article 9-3 SFCC 1987 may be cited as the Public Campaign Finance Code.

21           **Section 7.        Section 9-3.2 SFCC 1987 (being Ord. #2009-44, §3) is amended to**  
22 **read:**

23           **9-3.2 Findings and Purposes.**

24           A.       *Findings.* The governing body of the city of Santa Fe finds and declares that the  
25 current system of privately financed campaigns for municipal office:

1 (1) Undermines public confidence in the democratic process and democratic  
2 institutions.

3 (2) Creates a danger of undue influence by encouraging elected officials to  
4 take money from private interests that are directly affected by governmental actions.

5 (3) Forces candidates to raise increasing amounts of money from interest  
6 groups that have a financial stake in matters before Santa Fe city government in order to  
7 keep pace with escalating campaign costs.

8 (4) Diminishes elected officials' accountability to their constituents by  
9 compelling them to be disproportionately accountable to the contributors who finance  
10 their campaigns.

11 (5) Burdens officeholders with the incessant need to raise campaign funds  
12 and thus decreases the time available to them to carry out their public responsibilities.

13 B. *Purposes.* The purposes of the Public Campaign Finance Code are:

14 (1) To strengthen public confidence in the governmental and election  
15 processes.

16 (2) To eliminate the danger of undue influence on elected officials caused by  
17 the private financing of campaigns.

18 (3) To provide candidates with sufficient resources to communicate with  
19 voters without the need to resort to private fund-raising.

20 (4) To increase the accountability of elected officials to the constituents who  
21 elect them, as opposed to the contributors who fund their campaigns.

22 (5) To free officeholders from the need to raise campaign money, and thus to  
23 allow them more time to carry out their official duties.

24 **Section 8. Section 9-3.3 SFCC 1987 (being Ord. #2009-44, §4) is amended to**

25 **read:**

1           **9-3.3 Definitions.** As used in this Article, the following terms have the following  
2 meanings:

3           A.     *Campaign depository* means a bank, mutual savings bank, savings and loan  
4 association or credit union doing business in this state under which a campaign account or  
5 accounts are maintained.

6           B.     *Campaign materials* means any published communication, electronic or  
7 otherwise, disseminated to more than one hundred (100) persons that either supports the election  
8 or defeat of any identifiable candidate or candidates or supports the approval or defeat of a ballot  
9 proposal, other than communications to, or editorials, reports, or commentary by news media.

10          C.     *Candidate* means any individual who seeks election to a Santa Fe municipal  
11 office. An individual shall be a candidate when they:

12                   (1)     Announce publicly;

13                   (2)     File for office;

14                   (3)     When contributions are accepted or expenditures made; or when

15                   (4)     Any activity is held to promote an election campaign of an individual if  
16 that activity is endorsed or supported by that person or if the benefits of such activity are  
17 later accepted by such person.

18          D.     *Contested race* means a race in which there are at least two (2) candidates for the  
19 office sought.

20          E.     *Contribution* means a loan, loan guarantee, gift, advance, pledge, contract,  
21 agreement or promise of money or anything of value or other obligation, whether or not legally  
22 enforceable, made directly or indirectly, to a candidate or political committee for the purpose of  
23 influencing the outcome of a municipal election.

24                   (1)     The term "contribution" includes:

25                           (a)     The transfer of funds or anything of value between political

1 committees;

2 (b) The transfer of anything of value, including personal and  
3 professional services, for less than full consideration;

4 (c) Interest, dividends or other income derived from the investment  
5 of campaign funds;

6 (d) The payment for the services of an individual serving on behalf  
7 of a candidate or political committee, which payments are made by a third party;  
8 and

9 (e) The purchase of over twenty-five dollars (\$25.00) of tickets for  
10 fundraising events such as dinners, rallies, raffles, etc. and the proceeds of  
11 collections at fundraising events which are not otherwise reported.

12 (2) The term "contribution" does not include:

13 (a) A volunteer's personal services provided without compensation  
14 or the travel or personal expenses of such a campaign worker; and

15 (b) The cost of an event held in honor of or on behalf of a candidate  
16 when the total cost of the event amounts to no more than two hundred dollars  
17 (\$200.00).

18 F. *Election* means any regular or special Santa Fe municipal election.

19 G. *Expenditure* means a payment or transfer of anything of value in exchange for  
20 goods, services, property, facilities or anything of value for the purpose of assisting, benefiting or  
21 honoring any public official or candidate, or assisting in furthering or opposing any election  
22 campaign for a candidate or ballot proposition. This includes contributions, subscriptions,  
23 distributions, loans, advances, deposits, or gifts of money or anything of value, and includes a  
24 contract, a promise or agreement, whether or not legally enforceable, to make an expenditure. The  
25 term "expenditure" also means the transfer of funds or anything of value between political

1 committees. In determining the dollar value of an expenditure, only that proportion of a payment  
2 or transfer of anything of value that is directly related to the campaign shall be considered an  
3 expenditure.

4 H. *Fund* means the public campaign finance fund created by Section 9-3.4 SFCC  
5 1987.

6 I. *Non-participating candidate* means a candidate who is not a participating  
7 candidate.

8 J. *Participating candidate* means a candidate who has qualified and has been  
9 certified pursuant to Section 9-3.9 SFCC 1987 as eligible to receive payments from the fund.

10 K. *Qualified elector* means a person who is registered to vote in the city of Santa Fe.

11 L. *Qualifying contribution* means a contribution of no more or no less than five  
12 dollars (\$5.00) that is received from a qualified elector during the qualifying period by a  
13 candidate seeking to become a participating candidate. A candidate for councilor shall only  
14 receive qualifying contributions from qualified electors registered to vote in the council district in  
15 which the candidate is running.

16 M. *Qualifying period* means the period during which a candidate seeking to become  
17 a participating candidate is permitted to collect qualifying contributions and to apply for  
18 certification as a participating candidate. It begins 183 days before the election and ends 106  
19 days before the election.

20 N. *Race* means the electoral process in which one (1) or more candidates run and  
21 one (1) candidate is elected to the office of mayor, municipal judge or city councilor for a  
22 particular district.

23 O. *Seed money contribution* means a contribution of no more than one hundred  
24 dollars (\$100.00) made and accepted in compliance with the provisions of Section 9-3.6 SFCC  
25 1987 and used exclusively for the purposes specified in that Section.



1 P. *Uncontested race* means a race in which there is only one (1) candidate for the  
2 office sought.

3 **Section 9. Section 9-3.4 SFCC 1987 (being Ord. No. 2009-44, §5) is amended to**  
4 **read:**

5 **9-3.4 Public Campaign Finance Fund.**

6 A. A dedicated public campaign finance fund (“the fund”) is established to be  
7 administered by the municipal clerk for the purpose of providing public financing for the election  
8 campaigns of participating candidates. Monies in the fund and disbursed from the fund to  
9 participating candidates are public monies entrusted to the candidates to be used solely for the  
10 public purposes specified in this Article 9-3 SFCC 1987.

11 B. Beginning with the city budget for fiscal year 2009-2010 and in each fiscal year  
12 thereafter, the sum of one hundred and fifty thousand dollars (\$150,000.00) shall be budgeted for  
13 and deposited in the fund.

14 C. Beginning with the election of 2014, the governing body shall appropriate and  
15 deposit in the fund such additional sums, if any, as may be necessary to ensure:

16 (1) that the balance in the fund one hundred nineteen (119) days preceding  
17 each election for mayor and four council seats is at least six hundred thousand dollars  
18 (\$600,000.00); and

19 (2) that the balance in the fund one hundred nineteen (119) days preceding  
20 each election for municipal judge and four council seats is at least three hundred thousand  
21 dollars (\$300,000.00).

22 D. In addition to the deposits required by paragraphs B and C of this Section, the  
23 following shall also be deposited in the fund:

24 (1) All seed money contributions received by candidates seeking to become  
25 certified as participating candidates which remain unspent;

1 (2) All qualifying contributions received by candidates seeking to become  
2 certified as participating candidates;

3 (3) All amounts paid from the fund to participating candidates which have  
4 not been spent or obligated as of the date of the election;

5 (4) All fines levied by the ethics and campaign review board or as decreed  
6 by a court of competent jurisdiction as a condition of probation;

7 (5) Voluntary donations made to the fund;

8 (6) All interest and other income earned from investment of the fund; and

9 (7) Such other appropriations to the fund as may be made by the governing  
10 body as necessary to fulfill the requirements of this Article 9-3 SFCC 1987.

11 **Section 10. Section 9-3.5 SFCC 1987 (being Ord. No. 2009-44, §6) is amended to**  
12 **read:**

13 **9-3.5 Eligibility as a Participating Candidate.** Beginning with the election of 2012,  
14 any candidate for municipal office may qualify as a participating candidate eligible to receive  
15 payments from the fund pursuant to Section 9-3.10 SFCC 1987 if the candidate:

16 A. Meets the requisites to be listed on the ballot as a certified candidate for  
17 municipal office pursuant to the provisions of Section 3-8-27 (B) through (E) NMSA 1978 and  
18 Article IV Section 4.03 of the Santa Fe Municipal Charter;

19 B. Has collected the requisite number of qualifying contributions, as follows:

20 (1) For a candidate running for the office of mayor, six hundred (600)  
21 qualifying contributions from separate qualified electors;

22 (2) For a candidate running for the office of city councilor, one hundred fifty  
23 (150) qualifying contributions from separate qualified electors registered to vote in the  
24 council district in which the candidate is running;

25 (3) For a candidate running for the office of municipal judge, one hundred

1 fifty (150) qualifying contributions from separate qualified electors; and

2 C. Submits an application for certification pursuant to Section 9-3.8 SFCC 1987  
3 setting forth the agreement and the averments and accompanied by the forms, reports and  
4 payments that are required by that section.

5 **Section 11. Section 9-3.6 SFCC 1987 (being Ord. No. 2009-44, §7) is amended to**  
6 **read:**

7 **9-3.6 Seed Money Contributions.**

8 A. A candidate seeking to become a participating candidate may solicit and accept  
9 seed money contributions to defray expenses incurred in obtaining qualifying contributions and in  
10 seeking certification as a participating candidate.

11 B. The aggregate amount of seed money contributions from any one contributor  
12 shall not exceed one hundred dollars (\$100), and the aggregate amount of seed money  
13 contributions accepted by a candidate shall not exceed ten percent (10%) of the amount payable  
14 under 9-3.10 SFCC 1987 to a candidate in a contested election for the office sought.

15 C. Each seed money contribution shall be accompanied by a form signed by the  
16 contributor, which shall include the contributor's name, home address and telephone number. The  
17 form for a contribution exceeding twenty-five dollars (\$25.00) shall also state the contributor's  
18 occupation and name of employer.

19 D. All seed money contributions received by a candidate shall be deposited in a  
20 campaign depository to be established by the candidate before soliciting or accepting any such  
21 contributions. All expenditures of seed money shall be made from the campaign depository.

22 E. Seed money contributions shall be used only for the purposes specified in  
23 paragraph A. of this Section, and all seed money contributions that have not been spent or used  
24 for such purposes by the time the candidate applies for certification as a participating candidate or  
25 by the end of the qualifying period, whichever is sooner, shall then be paid over to the municipal

1 clerk for deposit in the fund.

2 **Section 12. Section 9-3.7 SFCC 1987 (being Ord. #2009-44, §8) is amended to**  
3 **read:**

4 **9-3.7 Qualifying Contributions.**

5 A. Each qualifying contribution shall be accompanied by a form signed by the  
6 contributor, which shall include the contributor's name, registered address and telephone number.

7 B. No candidate or person acting on a candidate's behalf shall pay to any other  
8 person any form of compensation for soliciting or obtaining a qualifying contribution.

9 C. No person shall knowingly make and no candidate shall knowingly receive a  
10 qualifying contribution which is not from the person named on the form or for which the person  
11 named on the form has been or will be reimbursed or compensated by another person.

12 D. All qualifying contributions received by a candidate shall be deposited in a  
13 campaign depository to be established by the candidate before soliciting or accepting any such  
14 contributions, and shall be paid over to the municipal clerk for deposit in the fund when the  
15 candidate applies for certification as a participating candidate or when the qualifying period ends,  
16 whichever is sooner.

17 **Section 13. Section 9-3.8 SFCC 1987 (being Ord. #2009-44, §9) is amended to**  
18 **read:**

19 **9-3.8 Application for Certification as a Participating Candidate.**

20 A. A candidate who wishes to be certified as a participating candidate shall, before  
21 the end of the qualifying period, file an application for such certification with the municipal clerk  
22 on a form prescribed by the municipal clerk.

23 B. The application shall identify the candidate and the office that the candidate is  
24 seeking, and shall set forth:

25 (1) The candidate's averment under oath that the candidate satisfies the

1 requisites for qualification and certification as a participating candidate prescribed by  
2 Section 9-3.5 SFCC 1987;

3 (2) The candidate's averment under oath that the candidate has accepted no  
4 contributions to the candidate's current campaign other than qualifying contributions and  
5 seed money contributions solicited and accepted pursuant to Sections 9-3.6 SFCC 1987  
6 and 9-3.7 SFCC 1987;

7 (3) The candidate's averment under oath that the candidate has made no  
8 expenditures for his or her current campaign from any source other than seed money  
9 contributions; and

10 (4) The candidate's agreement that his or her current campaign will not  
11 accept any further contributions or make any further expenditures from any sources other  
12 than payments received from the fund pursuant to Section 9-3.10 SFCC 1987.

13 C. The application shall be accompanied by:

14 (1) Reports listing all seed money contributions and qualifying contributions  
15 received by the candidate and all expenditures of seed money contributions made by the  
16 candidate, and showing the aggregate amounts of all such contributions and expenditures  
17 and the aggregate amounts of all contributions received from each contributor;

18 (2) Copies of forms signed by contributors for all seed money contributions and  
19 qualifying contributions received by the candidate; and

20 (3) A check or checks issued to the city of Santa Fe from the candidate's  
21 campaign depository for the amount of all qualifying contributions received by the  
22 candidate and all seed money contributions received by the candidate and not yet spent  
23 for the purposes specified in paragraph A of Section 9-3.6 SFCC 1987.

24 **Section 14. Section 9-3.9 SFCC 1987 (being Ord. No. 2009-44, 10) is amended to**

25 **read:**

1           **9-3.9 Certification as a Participating Candidate.**

2           A.       On or before the eighty-ninth (89<sup>th</sup>) day before the election the municipal clerk  
3 shall make a determination whether the candidate’s application complies with the requirements of  
4 Section 9-3.8 SFCC 1987 and whether the candidate satisfies the requisites for certification as a  
5 participating candidate prescribed by Section 9-3.5 SFCC 1987, and shall thereupon issue a  
6 decision, in accordance with the determination so made, granting or refusing such certification to  
7 the candidate.

8           B.       The municipal clerk may revoke a candidate’s certification as a participating  
9 candidate for any violation by the candidate of the requirements of this Article, and may require  
10 that any candidate whose certification has been revoked to pay over to the municipal clerk for  
11 deposit in the fund any amounts previously paid to the candidate pursuant to Section 9-3.10  
12 SFCC 1987.

13           **Section 15.       Section 9-3.10 SFCC 1987 (being Ord. #2009-44, §11) is amended to**  
14 **read:**

15           **9-3.10 Payments to Participating Candidates.**

16           A.       Within three (3) business days of certifying a candidate as a participating  
17 candidate, the municipal clerk shall disburse to the candidate from the fund:

18                   1.       Sixty thousand dollars (\$60,000.) for a candidate in a contested race for  
19 the office of mayor;

20                   2.       Fifteen thousand dollars (\$15,000.) for a candidate in a contested race for  
21 the office of city councilor;

22                   3.       Fifteen thousand dollars (\$15,000.) for a candidate in a contested race for  
23 the office of municipal judge; or

24                   4.       For a candidate in an uncontested race, ten percent (10%) of the amount  
25 that would be due to a candidate in a contested race for the same office.

1           B.       If the amounts required to be paid to candidates under paragraph A of this  
2 Section exceed the total amount available in the fund, each payment shall be reduced in  
3 proportion to the amount of such excess. Any such proportionate reduction in the payment due to  
4 any candidate under paragraph A of this Section shall give the candidate the option to reject the  
5 payment and to withdraw as a participating candidate. A candidate who withdraws as a  
6 participating candidate pursuant to this paragraph shall file an affidavit with the municipal clerk  
7 so stating and shall thenceforth be treated for all purposes as a non-participating candidate  
8 relieved of all obligations and restrictions and excluded from all benefits and exemptions imposed  
9 or conferred on a participating candidate by this Section 9-3 SFCC 1987.

10           **Section 16.     Section 9-3.11 SFCC 1987 (being Ord. #2009-44, §12) is amended to**  
11 **read:**

12           **9-3.11   Use of Payments from the Fund; the Fund as Exclusive Source.**

13           A.       All payments received by a participating candidate from the fund shall be  
14 deposited in the candidate's campaign depository and shall be used exclusively to pay expenses  
15 reasonably incurred in furtherance of the candidate's current campaign.

16           B.       Payments received from the fund shall not be used for any other purpose,  
17 including:

- 18                   (1)     The candidate's personal living expenses or compensation to the  
19 candidate or the candidate's family;
- 20                   (2)     A contribution to another campaign of the candidate or a payment to  
21 retire debt from another such campaign;
- 22                   (3)     A contribution to the campaign of another candidate or to a political  
23 party or political committee or to a campaign supporting or opposing a ballot proposition;
- 24                   (4)     An expenditure supporting the election of another candidate or the  
25 passage or defeat of a ballot proposition or the defeat of any candidate other than an

1           opponent of the participating candidate;

2                   (5)     Payment of legal expenses or any fine levied by a court or the ethics and  
3           campaign review board.

4                   (6)     Any gift or transfer for which compensating value is not received.

5           C.       All payments from the fund received by a participating candidate which have not  
6           been spent or obligated for the purposes specified in paragraph A of this Section as of the date of  
7           the election shall be returned by the candidate and shall be paid over to the municipal clerk for  
8           deposit to the fund within ten (10) days after that date.

9           D.       In accordance with the agreement entered into pursuant to subparagraph B(4) of  
10          Section 9-3.8 SFCC 1987, a candidate who has been certified as a participating candidate shall  
11          not thereafter accept any contribution to the candidate's campaign other than payments received  
12          from the fund pursuant to Section 9-3.10 SFCC 1987, and shall not make any expenditure in  
13          support of the candidate's campaign from any source other than payments so received and  
14          previously deposited in the candidate's campaign depository.

15           **Section 17.     [REPEAL]     Section 9-3.12 SFCC 1987 (being Ord. #2009-44, §13)**  
16          **is repealed:**

17           **Section 18.     [REPEAL]     Section 9-3.13 SFCC 1987 (being Ord. #2009-44, §14) is**  
18          **repealed:**

19           **Section 19.     Section 9-3.14 SFCC 1987 (being Ord. #2009-44, §15) is amended to**  
20          **read:**

21           **9-3.14 Reports of Expenditures; Exemption from Certain Reporting Requirements.**

22           A.       A participating candidate shall file with the municipal clerk reports under oath of  
23           expenditures made from the payments received from the fund, showing the amount of each  
24           expenditure, the name and address of the person or organization to whom it was made, the  
25           purpose of the expenditure, the aggregate amount of expenditures made to each person or



1 organization and the aggregate amount of all expenditures made by the candidate or by his or her  
2 campaign.

3 B. The reports required by paragraph A of this Section shall be filed on each of the  
4 days prescribed for the filing of campaign finance statements by Section 9-2.10 SFCC 1987.

5 C. Except as provided in paragraphs A and B of this Section and paragraph C of  
6 Section 9-3.8 SFCC 1987, participating candidates are exempt from the requirement to file  
7 campaign finance statements imposed by Sections 9-2.10 SFCC 1987 through 9-2.12 SFCC 1987  
8 and from the requirement to file campaign records with the municipal clerk imposed by paragraph  
9 C of Section 9-2.9 SFCC 1987; provided, however, that campaign records shall be maintained in  
10 the manner required by the applicable provisions of the Campaign Code (Section 9-2 SFCC 1987)  
11 and shall be made available upon request to the municipal clerk and the ethics and campaign  
12 review board.

13 **Section 20. Section 9-3.15 SFCC 1987 (being Ord. #2009-44, §16) reads:**

14 **9-3.15 Contributions and Expenditures to Retire Debt from Previous Campaigns.**

15 Notwithstanding any other provision of this section, a candidate shall not be considered  
16 ineligible for certification as a participating candidate and shall not be deemed to have violated  
17 the provisions of paragraph D of Section 9-3.11 SFCC 1987 solely by reason of contributions  
18 received or expenditures made to retire debt incurred in the course of a previous campaign in  
19 which the candidate was not a participating candidate, provided that any such contribution or  
20 expenditure has been made and duly reported in full compliance with the requirements of the  
21 Campaign Code (Section 9-2 SFCC 1987).

22 **Section 21. Section 9-3.16 SFCC 1987 (being Ord. #2009-44, §17) is amended to**  
23 **read:**

24 **9-3.16 Rules and Educational Materials.**

25 The municipal clerk and the ethics and campaign review board may adopt and publish

1 rules and educational materials explaining and applying the provisions of this section.

2 **Section 22. Section 9-3.17 SFCC 1987 (being Ord. #2009-44, §18) is amended to**  
3 **read:**

4 **9-3.17 Enforcement and Review.**

5 This section shall be enforced by the ethics and campaign review board pursuant to the  
6 provisions of Section 6-16 SFCC 1987. Any decision of the municipal clerk under this section is  
7 reviewable by the ethics and campaign review board on petition of an aggrieved party. This  
8 provision shall not be construed to prevent the enforcement of any otherwise applicable state  
9 criminal or civil statutes, laws or municipal ordinances.

10 **Section 23. Section 9-3.18 SFCC 1987 (being Ord. #2009-44, §19) is amended to**  
11 **read:**

12 **9-3.18 Reports and Forms.**

13 A. All reports and forms that are required by Article 9-3 SFCC 1987 shall be signed  
14 under oath and on forms prescribed by the municipal clerk.

15 B. The municipal clerk is authorized to reject any incomplete report or form. The  
16 municipal clerk shall notify a participating candidate that the report or form is incomplete.

17 C. The municipal clerk shall assess a fine of one hundred dollars (\$100.00) for  
18 unexcused late filing of reports or forms.

19 **Section 24. Section 9-3.19 SFCC 1987 (being Ord. #2009-44, §20) is amended to**  
20 **read:**

21 **9-3.19 Severability.**

22 The provisions of this Article and each of its sections, paragraphs, subparagraphs,  
23 sentences and clauses are severable. In the event that any such provision is held to be invalid or  
24 unenforceable by any judicial or administrative tribunal, it is the intent of the governing body that  
25 all other provisions thereof shall remain in full force and effect.

1           **Section 25.     Section 6-16.7 SFCC 1987 (being Ord. #2005-14, §22, as amended) is**  
2 **amended to read:**

3           **6-16.7 Sanctions.**

4           A.     To encourage compliance and deter Campaign Code violations, the city clerk  
5 shall assess such fines as provided for in Section 9-2.10 SFCC 1987 and Section 9-2.15 SFCC  
6 1987. The fine shall be payable within thirty (30) calendar days to the city of Santa Fe.  
7 Respondents may contest the validity of such fine by filing a written appeal to the board within  
8 five (5) calendar days of its assessment, which the board shall promptly affirm or reject.

9           B.     Except as set forth in paragraph C. below, if the board following a hearing  
10 determines that there has been a violation of the Code of Ethics, the Campaign Code or the Public  
11 Campaign Finance Code, it may:

12                   (1)     Issue a public reprimand;

13                   (2)     Impose a fine not to exceed five hundred dollars (\$500.00) per violation.

14           Each day of a continuing or repetitive violation may be deemed a separate offense. The  
15 board may seek enforcement of fines in district court;

16                   (3)     Recommend removal or suspension from office of a public official by  
17 the governing body;

18                   (4)     Refer complaints against public officials, where appropriate, to the  
19 district attorney's office for investigation and prosecution; and

20                   (5)     In the case of a violation of the Public Campaign Finance Code, revoke a  
21 candidate's certification as a participating candidate or order repayment or refund by a  
22 candidate of any money received by the candidate from the Public Campaign Finance  
23 Fund pursuant to Section 9-3.10 SFCC 1987.

24           C.     Although public employees are subject to and bound by the provisions of the  
25 Code of Ethics, the Campaign Code and the Public Campaign Finance Code, the sanctions

1 authorized by this Section may not be imposed on public employees unless they are public  
2 officials or exempt employees. All other public employees found to have violated the Code of  
3 Ethics, the Campaign Code or the Public Campaign Finance Code shall be subject to discipline  
4 only in accordance with the personnel rules and regulations of the city of Santa Fe and applicable  
5 collective bargaining agreements.

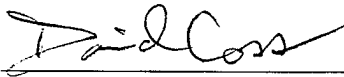
6 D. The sanctions set forth in paragraphs A., B. and C. do not preclude the  
7 enforcement of applicable existing state and federal statutes.

8 E. A respondent may submit a written waiver of hearing.

9 PASSED, APPROVED and ADOPTED this 10<sup>th</sup> day of August, 2011.

10

11



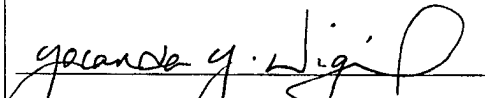
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DAVID COSS, MAYOR

13 ATTEST:

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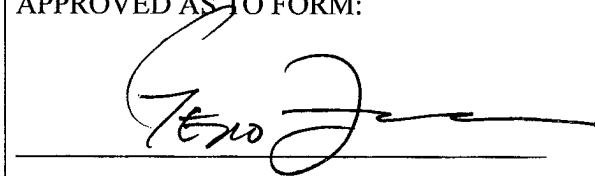
YOLANDA Y. VIGIL, CITY CLERK

17

APPROVED AS TO FORM:

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GENO ZAMORA, CITY ATTORNEY

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*M/melissa/bills 2011/Election Code\_Public Campaign Finance Code*