

1 CITY OF SANTA FE, NEW MEXICO

2 ORDINANCE NO. 2013-28

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5 AN ORDINANCE

6 RELATING TO THE CAMPAIGN CODE, ARTICLE 9-2 SFCC 1987:

7 AMENDING SECTION 9-2.3 TO AMEND THE DEFINITION OF CONTRIBUTION AND  
8 ADD THE DEFINITIONS FOR “ANONYMOUS CONTRIBUTION” AND “CHARITY”;  
9 AMENDING SECTION 9-2.5 TO CLARIFY WHOSE IDENTIFICATION IS REQUIRED ON  
10 CAMPAIGN MATERIALS; AMENDING SECTION 9-2.6 TO CLARIFY THAT ALL  
11 CONTRIBUTIONS SHALL BE REPORTED; AMENDING SECTION 9-2.9 TO AMEND  
12 THE DUTIES OF THE CAMPAIGN TREASURER AND DEPUTY TREASURER,  
13 INCLUDING THAT ALL CONTRIBUTIONS SHALL BE REPORTED AND CLARIFY THE  
14 PROCESS FOR DISPOSITION OF TANGIBLE ASSETS; AMENDING SECTION 9-2.11 TO  
15 AMEND THE REQUIREMENTS FOR THE CONTENTS OF THE CAMPAIGN FINANCE  
16 STATEMENT; AMENDING SECTION 9-2.12 TO EXEMPT JUDICIAL CANDIDATES  
17 FROM SIGNING CAMPAIGN FINANCE STATEMENTS AND MAKING SUCH OTHER  
18 STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY; AND

19 RELATING TO THE PUBLIC CAMPAIGN FINANCE CODE, ARTICLE 9-3 SFCC 1987:

20 AMENDING SECTION 9-3.3 TO AMEND THE DEFINITION OF CONTRIBUTION;  
21 AMENDING SECTION 9-3.6, TO CLARIFY REQUIREMENTS FOR SEED MONEY  
22 CONTRIBUTIONS AND UNSPENT SEED MONEY; AMENDING SECTION 9-3.7, TO  
23 CLARIFY THAT QUALIFYING CONTRIBUTIONS SHALL BE PLACED IN A NON-  
24 INTEREST BEARING ACCOUNT; AMENDING SECTION 9-3.8 TO CLARIFY  
25 CANDIDATE APPLICATION REQUIREMENTS; AMENDING SECTION 9-3.10 TO

1 CLARIFY THAT SEED MONEY SHALL BE TURNED OVER TO THE MUNICIPAL  
2 CLERK WHEN A CANDIDATE HAS NOT BEEN CERTIFIED; AMENDING SECTION 9-  
3 3.11 TO CLARIFY THE REQUIRED DISPOSITION OF UNSPENT PAYMENTS FROM  
4 THE FUND AND TANGIBLE ASSETS; AMENDING SECTION 9-3.14 TO REQUIRE THAT  
5 THE DATE SHALL BE INCLUDED ON ALL REPORTS OF EXPENDITURES AND  
6 CLARIFY THAT SEED MONEY AND QUALIFYING CONTRIBUTION REPORTS SHALL  
7 NOT BE SIGNED OR ACKNOWLEDGED BY A CANDIDATE FOR MUNICIPAL JUDGE;  
8 AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE  
9 NECESSARY.

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

12 Section 1. Section 9-2.3 SFCC 1987 (being Ord. #1998-41, §3, as amended) is  
13 amended to read:

14 **9-2.3 Definitions.**

15 As used in the Campaign Code:

16 A. *Anonymous contribution* means a contribution for which any of the information  
17 required to be recorded or reported by the Campaign Code is unknown to the persons who are  
18 required to record or report it.

19 B. *Ballot proposition* means any measure, amendment or other question submitted to, or  
20 proposed for submission to, a popular vote at a Santa Fe election.

21 C. *Campaign depository* means a bank, mutual savings bank, savings and loan  
22 association or credit union doing business in this state under which a campaign account or accounts  
23 are maintained.

24 D. *Campaign finance statement* means a report of all contributions received and  
25 expenditures made according to a form prescribed by the city clerk which, when completed and filed,

1 provides the information required in the sections to follow.

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

6 F. *Campaign treasurer and deputy campaign treasurer* means the individual who is  
7 responsible for keeping the financial records of the political committee or candidate (the candidate  
8 may be their own campaign treasurer or deputy campaign treasurer).

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

11 (1) Announce publicly;

12 (2) File for office;

13 (3) When contributions are accepted or expenditures made; or

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

17 H. *Charity* means an organization that is exempted from federal taxation by Title 26  
18 United States Code, section 501(c)(3).

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

23 (1) The term "contribution" includes:

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

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(b) The transfer of anything of value for less than full consideration;

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

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

(e) The purchase of tickets for fundraising events such as dinners, rallies, raffles, etc. and the proceeds of collections at fundraising events.

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

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

(b) The cost of an event held in honor of or on behalf of a candidate when the total cost of the event amounts to no more than two hundred dollars (\$200.).

J. *Contributor* means:

(1) *Individual contributor* means an individual who makes a contribution from their personal assets which are not those of a business, corporation, partnership or political committee.

(2) *Business contributor* means an individual who uses the assets of a business, corporation, partnership or political committee as a contribution or any business, corporation, partnership or political committee which makes a contribution.

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

L. *Expenditure* means a payment or transfer of anything of value in exchange for goods, services, property, facilities or anything of value for the purpose of assisting, benefiting or honoring any public official or candidate, or assisting in furthering or opposing any election campaign for a candidate or ballot proposition. This includes contributions, subscriptions, distributions, loans, advances, deposits, or gifts of money or anything of value, and includes a contract, a promise or

1 agreement, whether or not legally enforceable, to make an expenditure. The term "expenditure" also  
2 means the transfer of funds or anything of value between political committees. In determining the  
3 dollar value of an expenditure, only that proportion of a payment or transfer of anything of value that  
4 is directly related to the campaign shall be considered an expenditure.

5 M. *Political committee* means any entity formed for the principal purpose of:

6 (1) Raising or collecting, and expending or contributing money or anything of  
7 value for supporting the election or defeat of any identifiable candidate or candidates or for  
8 supporting the approval or defeat of ballot propositions; or

9 (2) Coordinating or cooperating in efforts to support the election or defeat of any  
10 identifiable candidates or of supporting the approval or defeat of any ballot proposition.

11 **Section 2. Section 9-2.5 SFCC 1987 (being Ord. #1998-41, §4, as amended) is**  
12 **amended to read:**

13 **9-2.5 Identification of Campaign Material.**

14 A. Campaign materials disseminated or communicated by a candidate shall  
15 conspicuously identify the name of the candidate and campaign treasurer or deputy campaign  
16 treasurer.

17 B. Campaign materials disseminated or communicated by a political committee shall  
18 conspicuously identify the name of an officer or other responsible person of the political committee  
19 sponsoring such materials.

20 C. Written, printed or posted materials shall also show a telephone contact number.

21 **Section 3. Section 9-2.6 SFCC 1987 (being Ord. #2005-14, §29, as amended) is**  
22 **amended to read:**

23 **9-2.6 Independently Sponsored Campaign Materials.**

24 Any person or entity that contracts for or initiates the dissemination of campaign materials  
25 supporting the election or defeat of an identifiable candidate or of a ballot proposition, and that

1 spends in the aggregate two hundred fifty dollars (\$250.) or more for such purpose shall thereafter,  
2 on each of the days prescribed for the filing of campaign finance statements of political committees,  
3 file with the city clerk a report of all expenditures made and all contributions received for such  
4 purpose on or before the date of the report and which have not been previously reported. Each report  
5 shall be submitted on a form prescribed by the city clerk. Contributions shall be specified by date,  
6 amount of contribution, name, address and occupation of the person or entity from whom the  
7 contribution was made. Expenditures shall be specified by date, the amount of the expenditure, the  
8 name and address of the person or entity where an expenditure was made and the purpose of the  
9 expenditure.

10 **Section 4. Section 9-2.9 SFCC 1987 (being Ord. #1998-41, §7, as amended) is**  
11 **amended to read:**

12 **9-2.9 Campaign Treasurer; Deputy Campaign Treasurer; Duties.**

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

16 (1) The full name and complete mailing address and principal business or  
17 occupation of every individual contributor for the period of time beginning with the  
18 acceptance of the first contribution;

19 (2) The full name, complete mailing address of every business contributor for  
20 the period of time beginning with the acceptance of the first contribution;

21 (3) The date of receipt, amount and form of every contribution;

22 (4) The aggregate donated by each such contributor;

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

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

2                   B. The campaign treasurer or deputy campaign treasurer shall not accept anonymous  
3 contributions. Any such contribution received by the campaign treasurer or deputy campaign  
4 treasurer shall, within seven (7) days of receipt, be donated to a charity or to the city's general fund.  
5 The campaign treasurer or deputy campaign treasurer shall keep a record of the amount and date of  
6 receipt of any such contributions and of the disposition that was made of the contribution, including  
7 the date when it was donated to the city or to a charity and the identity of the recipient of the  
8 donation.

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

14                   D. Records kept by the campaign treasurer or deputy campaign treasurer shall be made  
15 current not more than seven (7) days after the date of a contribution or of an expenditure. During the  
16 eight (8) days immediately preceding the date of any election for which the political committee has  
17 received any contributions or made any expenditures, the books of the account shall be kept current  
18 within one (1) business day.

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

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

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

2 (1) All contributions received shall be under the custody of the campaign  
3 treasurer or deputy campaign treasurer and shall be segregated from, and not be commingled  
4 with, the personal funds of an individual, group or political committee. Contributions shall be  
5 used exclusively to pay expenses incurred in furtherance of the candidate's campaign, and  
6 shall not be used for any other purpose, including:

7 (a) The candidate's personal living expenses or compensation to the  
8 candidate;

9 (b) A contribution to the campaign of another candidate or to a political  
10 party or political committee or to a campaign supporting or opposing a ballot  
11 proposition;

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

14 (d) Any gift or transfer for which compensating value is not received,  
15 other than a donation or distribution permitted by this subsection at the conclusion of  
16 an election.

17 (2) Any campaign contributions remaining unspent and any tangible assets with  
18 an estimated resale value greater than two hundred dollars (\$200.00) that were purchased  
19 with such contributions and remain in the possession of the campaign at the conclusion of an  
20 election shall be distributed for the following purposes:

21 (a) Expenditures of the campaign;

22 (b) Donations to the city's general fund or, in the case of tangible assets,  
23 to the city for its use or disposition in accordance with the city's procurement code.  
24 Proceeds from such disposition shall be deposited in the city's general fund;

25 (c) Donations to charities; or



1 (d) Disbursements to return unused funds to the contributors.

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

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

14 **Section 5. Section 9-2.11 SFCC 1987 (being Ord. #1998-41, §10, as amended) is**  
15 **amended to read:**

16 **9-2.11 Campaign Finance Statement; Contents.**

17 A. Each campaign finance statement shall be filed in accordance with subsection 9-2.10  
18 SFCC 1987. The initial statement shall begin with the date of the first contribution or expenditure.  
19 Subsequent statements shall begin on the day after the end date of the previous reporting period.  
20 Statements shall contain the following information:

21 (1) The funds on hand at the beginning of the period. This shall include the  
22 cumulative total amount of all contributions and expenditures. This includes, but is not  
23 limited to, contributions and expenditures in aid of, or in opposition to, candidates or ballot  
24 propositions before they qualify for the ballot and contributions and expenditures following  
25 the election;

1           (2)     The full name, home address, occupation, name of employer, date of receipt  
2           and amount of each contribution received from each individual contributor from whom a  
3           contribution in money, goods, materials, services, facilities or anything of value has been  
4           received and whether the contribution was received in cash, by check, by credit card, by  
5           electronic transfer or otherwise;

6           (3)     The full name, type of business, physical address, date of receipt and amount  
7           of each contribution for each business contributor, from whom a contribution in money,  
8           goods, materials, services, facilities or anything of value has been received, and whether the  
9           contribution was received in cash, by check, by credit card, by electronic transfer or  
10          otherwise;

11          (4)     The date of receipt and amount of any anonymous contribution received by  
12          the campaign treasurer or deputy campaign treasurer and the disposition that was made of  
13          each such contribution pursuant to Section 9-2.9(B) SFCC 1987, including the date when it  
14          was donated to the city or to a charity and the identity of the recipient of the donation.

15          (5)     The full name and complete mailing address of each individual or business to  
16          whom an expenditure has been made, the purpose of each campaign expenditure and the date  
17          each expenditure was made. This report shall be itemized with the total amount paid to each  
18          individual or business for the goods, services or facilities provided;

19          (6)     The full name of the candidate or political committee and the full name and  
20          complete address of the campaign treasurer or deputy campaign treasurer;

21          (7)     For each contributor, the cumulative total of all contributions made; and

22          (8)     Where goods, materials, services, facilities or anything of value other than  
23          money is contributed or expended, the monetary value thereof shall be reported at the fair  
24          market value.

25          B.     Loans of money, property or other things made to a candidate or political committee

1 during the period covered by the campaign finance statement shall be reported separately in the  
2 statement, with the following information:

3 (1) The total value of all loans received during the period covered by the  
4 campaign finance statement;

5 (2) The full name and address of each lender, the date of the loan, the  
6 interest rate and the amount of the loan remaining unpaid;

7 (3) The cumulative total value of all loans received; and

8 (4) The total amount of loans remaining unpaid.

9 C. If a loan has been forgiven or paid by a third person, it shall be reported pursuant to  
10 this section.

11 D. Investments made with campaign funds under subsection 9-2.9 SFCC 1987 and  
12 interest, dividends and/or other income received shall be reported separately in the statement.

13 **Section 6. Section 9-2.12 SFCC 1987 (being Ord. #1998-41, §11, as amended) is**  
14 **amended to read:**

15 **9-2.12 Campaign Finance Statement; Signing.**

16 Each campaign finance statement shall be signed under oath and acknowledged by both the  
17 campaign treasurer or deputy campaign treasurer and the candidate and shall contain a statement that  
18 the campaign finance statement has been prepared with all reasonable diligence and that it is true and  
19 complete; however, the campaign finance statement of a candidate for municipal judge is not required  
20 to be signed or acknowledged by the candidate.

21 **Section 7. Section 9-3.3 SFCC 1987 (being Ord. #2009-44, §4, as amended) is**  
22 **amended to read:**

23 **9-3.3 Definitions.**

24 As used in this Article, the following terms have the following meanings:

25 A. Campaign depository means a bank, mutual savings bank, savings and loan

1 association or credit union doing business in this state under which a campaign account or accounts  
2 are maintained.

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

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

- 9 (1) Announce publicly;
- 10 (2) File for office;
- 11 (3) When contributions are accepted or expenditures made; or when
- 12 (4) Any activity is held to promote an election campaign of an individual if that  
13 activity is endorsed or supported by that person or if the benefits of such activity are later  
14 accepted by such person.

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

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

- 21 (1) The term "contribution" includes:
  - 22 (a) The transfer of funds or anything of value between political  
23 committees;
  - 24 (b) The transfer of anything of value for less than full  
25 consideration;

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

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

6 (e) The purchase of tickets for fundraising events such as  
7 dinners, rallies, raffles, etc. and the proceeds of collections at fundraising  
8 events.

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

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

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

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

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

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

2 I. Non-participating candidate means a candidate who is not a participating candidate.

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

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

6 L. Qualifying contribution means a contribution of no more or no less than five dollars  
7 (\$5.00) that is received from a qualified elector during the qualifying period by a candidate seeking to  
8 become a participating candidate. A candidate for councilor shall only receive qualifying  
9 contributions from qualified electors registered to vote in the council district in which the candidate is  
10 running.

11 M. Qualifying period means the period during which a candidate seeking to become a  
12 participating candidate is permitted to collect qualifying contributions and to apply for certification as  
13 a participating candidate. It begins one hundred eighty-three (183) days before the election and ends  
14 one hundred six (106) days before the election.

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

17 O. Seed money contribution means a contribution of no more than one hundred dollars  
18 (\$100.) made and accepted in compliance with the provisions of Section 9-3.6 SFCC 1987 and used  
19 exclusively for the purposes specified in that section.

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

22 **Section 8. Section 9-3.6 SFCC 1987 (being Ord. #2009-44, §7, as amended) is**  
23 **amended to read:**

24 **9-3.6 Seed Money Contributions.**

25 A. A candidate seeking to become a participating candidate may solicit and accept seed

1 money contributions to defray expenses incurred in obtaining qualifying contributions and in seeking  
2 certification as a participating candidate.

3 B. The aggregate amount of seed money contributions from any one contributor shall not  
4 exceed one hundred dollars (\$100.), and the aggregate amount of seed money contributions accepted  
5 by a candidate shall not exceed ten percent (10%) of the amount payable under Section 9-3.10 SFCC  
6 1987 to a candidate in a contested election for the office sought.

7 C. Each seed money contribution shall be accompanied by a form signed by the  
8 contributor, which shall include the contributor's name, home address, telephone number, occupation  
9 and name of employer.

10 D. All seed money contributions received by a candidate shall be deposited in a non-  
11 interest-bearing account in a campaign depository to be established by the candidate before soliciting  
12 or accepting any such contributions. All expenditures of seed money shall be made from the  
13 campaign depository.

14 E. Seed money contributions shall be used only for the purposes specified in paragraph  
15 A. of this Section, and all seed money contributions that have not been spent or used for such  
16 purposes by the time the candidate applies for certification as a participating candidate or by the end  
17 of the qualifying period, whichever is sooner, shall then be paid over to the municipal clerk for  
18 deposit in the fund; provided, however, that if payment of all of the candidate's unspent seed money  
19 to the municipal clerk would cause the bank account in the campaign depository to be closed, an  
20 amount of seed money necessary to keep the account open may be temporarily retained in the account  
21 and paid over to the municipal clerk at a later time in compliance with paragraph C of Section 9-3.10  
22 SFCC 1987.

23 **Section 9. Section 9-3.7 SFCC 1987 (being Ord. #2009-44, §8, as amended) is**  
24 **amended to read:**

25 **9-3.7 Qualifying Contributions.**

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

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

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

8           D.     All qualifying contributions received by a candidate shall be deposited in a non-  
9 interest-bearing account in a campaign depository to be established by the candidate before soliciting  
10 or accepting any such contributions, and shall be paid over to the municipal clerk for deposit in the  
11 fund when the candidate applies for certification as a participating candidate or when the qualifying  
12 period ends, whichever is sooner.

13           **Section 10.     Section 9-3.8 SFCC 1987 (being Ord. #2009-44, §9, as amended) is**  
14 **amended to read:**

15           **9-3.8   Application for Certification as a Participating Candidate.**

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

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

21                   (1)     The candidate's averment under oath that the candidate satisfies the requisites  
22 for qualification and certification as a participating candidate prescribed by Section 9-3.5  
23 SFCC 1987;

24                   (2)     The candidate's averment under oath that the candidate has accepted no  
25 contributions to the candidate's current campaign other than qualifying contributions and seed



1 money contributions solicited and accepted pursuant to Sections 9-3.6 SFCC 1987 and 9-3.7  
2 SFCC 1987;

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

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

9 C. The application shall be accompanied by:

10 (1) Reports listing all seed money contributions and qualifying contributions  
11 received by the candidate and all expenditures of seed money contributions made by the  
12 candidate, and showing the aggregate amounts of all such contributions and expenditures and  
13 the aggregate amounts of all contributions received from each contributor;

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

16 (3) A check or checks issued to the city of Santa Fe from the candidate's  
17 campaign depository for the amount of all qualifying contributions received by the candidate  
18 and all seed money contributions received by the candidate except:

19 (a) amounts previously spent for the purposes specified in paragraph A  
20 of Section 9-3.6 SFCC 1987; and

21 (b) the amount, if any, that has been temporarily retained by the  
22 candidate for the purpose of keeping open the bank account in the campaign  
23 depository pursuant to paragraph E of Section 9-3.6 SFCC 1987.

24 **Section 11. Section 9-3.10 SFCC 1987 (being Ord. #2009-44, §11, as amended) is**  
25 **amended to read:**

1           **9-3.10 Payments to Participating Candidates.**

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

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

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

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

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

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

21           C.     Within five business days of the candidate's receipt of the amount disbursed under  
22 paragraph A of this Section or the municipal clerk's refusal to certify the candidate as a participating  
23 candidate pursuant to paragraph A of Section 9-3.9 SFCC 1987, whichever is sooner, the candidate  
24 shall pay over to the municipal clerk for deposit in the fund any amount of seed money that has been  
25 temporarily retained by the candidate for the purpose of keeping open the bank account in the

1 campaign depository pursuant to paragraph E of Section 9-3.6 SFCC 1987.

2 **Section 12. Section 9-3.11 SFCC 1987 (being Ord. #2009-44, §12, as amended) is**  
3 **amended to read:**

4 **9-3.11 Use of Payments from the Fund; the Fund as Exclusive Source.**

5 A. All payments received by a participating candidate from the fund shall be deposited in  
6 a non-interest bearing account in the candidate's campaign depository and shall be used exclusively to  
7 pay expenses reasonably incurred in furtherance of the candidate's current campaign.

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

9 (1) The candidate's personal living expenses or compensation to the candidate or  
10 the candidate's family;

11 (2) A contribution to another campaign of the candidate or a payment to retire  
12 debt from another such campaign;

13 (3) A contribution to the campaign of another candidate or to a political party or  
14 political committee or to a campaign supporting or opposing a ballot proposition;

15 (4) An expenditure supporting the election of another candidate or the passage or  
16 defeat of a ballot proposition or the defeat of any candidate other than an opponent of the  
17 participating candidate;

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

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

21 C. All payments from the fund received by a participating candidate which have not been  
22 spent or obligated for the purposes specified in paragraph A of this Section and any tangible assets  
23 purchased with such payments remaining in the possession of the campaign as of the date of the  
24 election shall be returned by the candidate and shall be conveyed to the municipal clerk within forty-  
25 five (45) days after that date. Returned payments shall be deposited in the fund. Tangible assets shall

1 be conveyed to the city for its use or disposition in accordance with the city's procurement code.  
2 Proceeds from such disposition shall be deposited in the fund.

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

9 **Section 13. Section 9-3.14 SFCC 1987 (being Ord. #2009-44, §15, as amended) is**  
10 **amended to read:**

11 **9-3.14 Reports of Expenditures; Exemption from Certain Reporting Requirements.**

12 A. A participating candidate shall file with the municipal clerk reports under oath of  
13 expenditures made from the payments received from the fund, showing the date and amount of each  
14 expenditure, the name and address of the person or organization to whom it was made, the purpose of  
15 the expenditure, the aggregate amount of expenditures made to each person or organization and the  
16 aggregate amount of all expenditures made by the candidate or by his or her campaign.

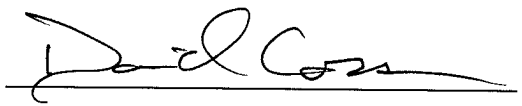
17 B. The reports required by paragraph A of this Section shall be filed on each of the days  
18 prescribed for the filing of campaign finance statements by Section 9-2.10 SFCC 1987.

19 C. Except as provided in paragraphs A and B of this Section and paragraph C of Section  
20 9-3.8 SFCC 1987, participating candidates are exempt from the requirement to file campaign finance  
21 statements imposed by Sections 9-2.10 SFCC 1987 through 9-2.12 SFCC 1987 and from the  
22 requirement to file campaign records with the municipal clerk imposed by paragraph C of Section 9-  
23 2.9 SFCC 1987; provided, however, that campaign records shall be maintained in the manner required  
24 by the applicable provisions of the Campaign Code (Article 9-2 SFCC 1987) and shall be made  
25 available upon request to the municipal clerk and the ethics and campaign review board.

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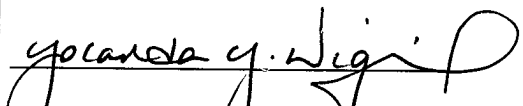
D. A seed money and qualifying contribution report of a candidate for municipal judge is not required to be signed or acknowledged by the candidate.

PASSED, APPROVED, and ADOPTED this 31<sup>st</sup> day of July, 2013.

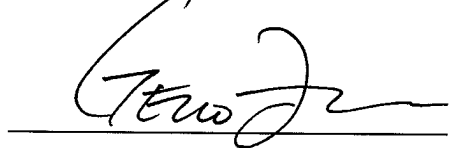


DAVID COSS, MAYOR

ATTEST:

  
YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:



GENO ZAMORA, CITY ATTORNEY