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CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2023-35

INTRODUCED BY:

Councilor Michael Garcia

Councilor Renee Villarreal

A RESOLUTION

PROPOSING A BALLOT QUESTION TO BE SUBMITTED TO THE CITY’S VOTERS DURING THE NOVEMBER 7, 2023 REGULAR LOCAL ELECTION REGARDING AMENDING THE CITY’S CHARTER TO REDUCE THE SIGNATURE REQUIREMENTS FOR REFERENDA AND INITIATIVES FROM 33.3 PERCENT TO 15 PERCENT, PROVIDE THAT THE DENOMINATOR USED TO CALCULATE THE PERCENTAGES IS THE TOTAL NUMBER OF VOTERS WHO VOTED IN THE MOST RECENT ELECTION THAT INCLUDED THE ELECTION OF THE OFFICE OF THE MAYOR, AND MAKE APPROPRIATE TECHNICAL CHANGES TO SECTIONS 3.01, 3.02 AND 3.03, CONSISTENT WITH ORDINANCE NO. 2018-24 REGARDING THE CITY’S ADOPTION OF THE LOCAL ELECTION ACT.

WHEREAS, pursuant to Section 10.01, the City of Santa Fe’s Charter (“Charter”) requires the appointment of a Charter Review Commission (“Commission”) at least every ten years; and

WHEREAS, the Governing Body adopted Resolution 2022-40 on July 27, 2022, identifying nine topics the Commission should consider; and

1 **WHEREAS**, one of the nine topics the Governing Body asked the Commission to consider
2 was “ideas suggested by the commissioners and members of the community”; and

3 **WHEREAS**, the Governing Body appointed members to the Commission in October
4 2022; and

5 **WHEREAS**, the Commission met from November of 2022 through May of 2023, to
6 deliberate about and consider the details of more than fifteen proposals to amend the Charter; and

7 **WHEREAS**, the Commission received public comment in person, by videoconferencing,
8 in writing, and through the Commission’s webpage; and

9 **WHEREAS**, the Commission produced a final report detailing its recommendations and
10 presented the report to the Governing Body on May 10, 2023 (“Final Report”); and

11 **WHEREAS**, according to the Charter Commission’s Final Report, “the Commission
12 recommends six substantive amendments be placed on the ballot for the November 2023 election”;
13 and

14 **WHEREAS**, a topic recommended by the Commission was to reduce the Charter’s
15 signature thresholds for petitions for referenda and initiatives; and

16 **WHEREAS**, resulting from the above proposal, the Commission recommended an
17 amendment to Article III, Sections 3.01, 3.02, and 3.01 to “reduce the signature requirements for
18 referenda and initiatives to fifteen percent (15%) from thirty-three and three tenths’ percent (33.3%)
19 and to clarify Charter language”; and

20 **WHEREAS**, specifically, the Final Report recommends that Sections 3.01, 3.02, and 3.03
21 of the Charter be amended to read as follows:

22 **Article III – Citizen Rights**

23 **3.01. – Referendum.**

24 **E. Number of signatures.**

25 A referendum petition shall be deemed sufficient if signed by

1 qualified electors in an amount equal to [~~thirty-three and one-third percent~~
2 fifteen percent or more of the [~~actual voters at the last mayoral election~~
3 number of voters who voted in the most recent election that included the
4 election of the office of mayor, including at least ten percent of [~~the voters~~
5 ~~for mayor in each council district at the last mayoral election~~]the number
6 of voters in each council district who voted in the most recent election that
7 included the election of the office of mayor. The city clerk shall determine
8 the number of [~~actual voters at the last mayoral election~~] voters who voted
9 in the most recent election that included the election of the office of mayor
10 both city-wide and per district.

11 **3.02. – Initiative.**

12 **F. Number of signatures.** An initiative petition shall be deemed
13 sufficient if signed by qualified electors in an amount equal to [~~thirty-three~~
14 ~~and one-third percent~~] fifteen percent or more of the [~~actual voters at the~~
15 ~~last mayoral election~~] number of voters who voted in the most recent
16 election that included the election of the office of mayor, including at least
17 ten percent of the [~~actual voters for mayor in each council district at the~~
18 ~~last mayoral election~~] number of voters in each council district who voted
19 in the most recent election that included the election of the office of mayor.
20 The city clerk shall determine the number of [~~actual voters at the last~~
21 ~~mayoral election~~] voters who voted in the most recent election that
22 included the election of the office of mayor both city-wide and per district.

23 **3.03. – Recall.**

24 **G. Number of signatures.**

25 [1] For mayor. A recall petition shall be deemed sufficient if

1 signed by qualified electors in an amount equal to thirty-three and one-
2 third percent or more of the ~~[actual voters at the last mayoral election]~~
3 number of voters who voted in the most recent election that included the
4 election of the office of mayor, including at least fifteen percent of the
5 ~~[actual voters for mayor from each council district]~~ number of voters in
6 each council district who voted in the most recent election that included
7 the election of the office of mayor. The city clerk shall determine the
8 number of ~~[actual voters for mayor from each council district]~~ voters who
9 voted in the most recent election that included the election of the office of
10 mayor both city-wide and per district.

11 [2] For councilor. A recall petition shall be deemed sufficient
12 if signed by qualified electors in an amount equal to thirty-three and one-
13 third percent or more of the ~~[actual voters at the last mayoral election]~~
14 number of voters who voted in the most recent election that included the
15 election of the office of mayor in the district from which the councilor was
16 elected. The city clerk shall determine the number of ~~[actual voters in the~~
17 ~~district at the last mayoral election]~~ voters who voted in the most recent
18 election that included the election of the office of mayor in the district
19 from which the councilor was elected.; and

20 **WHEREAS**, because the City passed Ordinance No. 2018-24, adopting the Local Election
21 Act, the Charter should reflect that the County Clerk, rather than the City Clerk is the public official
22 with direct access to the number of voters who voted in elections; and

23 **WHEREAS**, the Governing Body wishes to submit the above recommended amendments
24 to the City's voters for approval, including the technical amendment that the County Clerk, rather
25 than the City Clerk, identifies the number of voters who have voted in local elections; and

1 **WHEREAS**, the Charter, Article X, Section 10.02, states that “[t]his Charter may be
2 amended or repealed as provided by law”; and

3 **WHEREAS**, state law, NMSA 1978, Section 3-15-16, states that a home rule municipality
4 may amend its Charter “by a proposal submitted by the governing body of the municipality to the
5 qualified electors”; and

6 **WHEREAS**, a resolution is the formal expression of the will of the Governing Body, and
7 is used by the City to describe a proposed ballot question and submit it to the electors; and

8 **WHEREAS**, NMSA 1978, Section 1-16-3, requires the City to “file a resolution proposing
9 the ballot question” with the county clerk, not less than seventy (70) days before the election at
10 which the ballot question is proposed to be submitted to the voters.

11 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
12 **CITY OF SANTA FE** that the Governing Body hereby proposes to submit the following questions
13 on the ballot of the regular local election on November 7, 2023:

14 **DETERMINING PERCENTAGES OF VOTERS FOR**
15 **REFERENDA, INITIATIVES, AND RECALL PETITIONS**

16 Should the Santa Fe Municipal Charter be amended to specify that
17 the voters who voted in the most recent election that included the
18 election of the office of the mayor, rather than the number of
19 voters who voted for mayor, is the population used to determine
20 the required number of signatures for petitions for referenda,
21 initiative, and recall?

22 For Against

23 **REDUCING**

24 **SIGNATURE REQUIREMENT FOR REFERENDA**

25 Should the Santa Fe Municipal Charter be amended to reduce the

number of signatures required to place referenda on the ballot from thirty-three percent (33.3%) to fifteen percent (15%) and make technical changes consistent with the Local Election Act?

For Against

REDUCING

SIGNATURE REQUIREMENT FOR INITIATIVES


Should the Santa Fe Municipal Charter be amended to reduce the number of signatures required on a petition to place initiatives on the ballot from thirty-three percent (33.3%) to fifteen percent (15%) and to make technical changes consistent with the Local Election Act?

For Against

BE IT FURTHER RESOLVED that the technical change consistent with the Local Election Act described in each of the questions, above, is substituting the words “City Clerk” with “Santa Fe County Clerk”.

BE IT FURTHER RESOLVED that the City Clerk shall submit this ballot question to the Santa Fe County Clerk no later than August 29, 2023.

PASSED, APPROVED, and ADOPTED this 22nd day of August, 2023.



ALAN WEBBER, MAYOR

ATTEST:



KRISTINE MIHELIC, CITY CLERK

1 APPROVED AS TO FORM:

2 Erin McSherry

3 Erin McSherry (Aug 28, 2023 16:58 MDT)

4 ERIN K. McSHERRY, CITY ATTORNEY

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Legislation/2023/Resolutions/2023-35 (R) Signature Thresholds for Initiatives, Referenda and Recall