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CITY OF SANTA FE, NEW MEXICO

BILL NO. 2023-11

INTRODUCED BY:

Councilor Carol Romero-Wirth

A BILL

AMENDING THE ELECTION AND POLITICAL CAMPAIGN CODES, SECTIONS 1 THROUGH 3, OF CHAPTER 9 1987 SFCC; UPDATING DEFINITIONS AND RESPONSIBILITIES CONSISTENT WITH STATE LAW; CREATING A SINGLE SECTION OF COMMON DEFINITIONS FOR THE CAMPAIGN CODE AND THE PUBLIC CAMPAIGN FINANCE CODE; REMOVING SECTION 9-2.4 REGARDING A CANDIDATE WRITTEN ACKNOWLEDGEMENT OF FAMILIARITY WITH CAMPAIGN CODE; REMOVING THE REQUIREMENT IN SECTION 9-2.5 TO POST A PHONE NUMBER ON CAMPAIGN MATERIALS; AMENDING SECTION 9-2.6 TO INCORPORATE THE PREVIOUSLY AMENDED DEFINITION OF INDEPENDENT EXPENDITURE; AMENDING SECTION 9-2.7 TO REMOVE THE REQUIREMENT TO IDENTIFY A SPECIFIC CANDIDATE OR BALLOT QUESTION IN POLITICAL COMMITTEE DISCLOSURES; UPDATING THE FINANCE REPORTING SCHEDULE IN SECTION 9-2.10; EXPRESSLY PERMITTING ELECTRONIC CONTRIBUTIONS IN SECTION 9-3.12; AND REPLACING ALL REFERENCES OF “PARTICIPATING CANDIDATE” WITH “PUBLICLY FINANCED CANDIDATE”.

1
2 **BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:**

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

5 **9-1.6 Election resolution; nominating petition; declaration of candidacy;**
6 **posting a list of qualified candidates.**

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

14 B. *Nominating Petitions.* Nominating petitions shall be prepared,
15 circulated, and filed in accordance with the requirements of the New Mexico Election
16 Code, Section[§] 3-1-5 NMSA 1978 and Section 4.03 of the Santa Fe Municipal Charter
17 and shall be submitted for certification ~~[by]~~to the ~~[city]~~county clerk.

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

21 (1) By a person who is applying for public campaign financing, to
22 the city clerk with the person's application for public financing before the end of
23 the qualifying period pursuant to Section 9-3.8 SFCC 1987 and Section 1-22-
24 3.2(D)(2) NMSA 1978;

25 (2) By a person who is not applying for public campaign financing

1 or who has failed to be approved for public financing but who otherwise qualifies to be
2 a candidate and is seeking to be listed on the ballot, to the county clerk on the seventieth
3 (70th) day before the election pursuant to Sections 1-22-3.2(D)(5) and 1-22-7 NMSA
4 1978; and

5 (3) By a person seeking to be a write-in candidate, to the county clerk on the
6 sixty-third (63rd) day before the election pursuant to Section 1-22-8.1 NMSA 1978.

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

10 E. *Posting the List of Qualified Candidates.* Within one day of receipt of
11 notification from the county clerk of the county clerk's determination of qualified candidates, the
12 city clerk shall post the list of the candidates' names on the city clerk's website.

13 **Section 2. Section 9-2.3 of SFCC 1987 (being Ord. No. 1998-41, § 3, as amended)**
14 **is amended to read:**

15 **9-2.3 Definitions.**

16 As used in the Campaign and Public Campaign Finance Codes:

17 A. *Advertisement* means a communication referring to a candidate or ballot question
18 that is published, disseminated, distributed, or displayed to the public by print, broadcast, satellite,
19 cable or electronic media, including recorded phone messages, or by printed materials, including
20 mailers, handbills, signs and billboards, but does not include any of the following:

21 (1) a communication by a membership organization or corporation to its
22 current members, stockholders or executive or administrative personnel;

23 (2) a communication appearing in a news story or editorial distributed through
24 a print, broadcast, satellite, cable or electronic medium;

25 (3) a candidate debate or forum or a communication announcing a candidate

1 debate or forum paid for on behalf of the sponsor of the debate or forum; provided
2 that two or more candidates for the same position have been invited to participate
3 or, in the case of an uncontested election, that the sponsor invited the single
4 candidate for the position to participate;

5 (4) nonpartisan voter guides allowed by the federal Internal Revenue
6 Code of 1986, as amended, for Section 501(c)(3) organizations; or

7 (5) statements made to a court or administrative board in the course
8 of a formal judicial or administrative proceeding.

9 B. *Anonymous contribution* means a contribution for which any of the
10 information required to be recorded or reported by the Campaign Code is unknown to
11 the persons who are required to record or report it.

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

14 D- *Campaign depository* means a bank, mutual savings bank, savings and
15 loan association or credit union doing business in this state under which a campaign
16 account or accounts are maintained.

17 E. *Campaign finance statement* means a report of all contributions received
18 and expenditures made according to a form prescribed by the city clerk which, when
19 completed and filed, provides the information required in the sections to follow.

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

25 G- *Campaign treasurer* [~~and deputy campaign treasurer~~] means the

1 individual who is responsible for keeping the financial records of the political committee or
2 candidate (the candidate may be their own campaign treasurer or deputy campaign treasurer).

3 H. *Candidate* means any individual who seeks election to a Santa Fe municipal
4 office. An individual shall be a candidate when ~~[they]~~:

5 (1) The individual announces publicly;

6 (2) The individual files for office;

7 (3) ~~[When contributions are]~~ The individual accepts~~[ed]~~ contributions or
8 makes expenditures ~~[made]~~; or

9 (4) Any activity is held to promote an election campaign of the~~[an]~~
10 individual, if that activity is endorsed or supported by that ~~[person]~~ individual or if the
11 benefits of such activity are later accepted by ~~[such person]~~ the individual.

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

14 J. *Contribution* means a ~~[loan, loan guarantee, gift, advance, pledge, contract,~~
15 ~~agreement or promise of money or anything of value or other obligation, whether or not these~~
16 ~~items are legally enforceable, made directly or indirectly, to a candidate or political committee,~~
17 ~~or to a person obligated to file a report under Subsection 9-2.6 SFCC 1987, for the purpose of~~
18 ~~supporting the election or defeat of any identifiable candidate or the approval or defeat of a ballot~~
19 ~~proposition.~~

20 (1) ~~—~~ The term "contribution" includes:

21 (a) ~~—~~ The transfer of funds or anything of value between political
22 committees;

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

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

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

4 ~~(e) — The purchase of tickets for fundraising events such as~~
5 ~~dinners, rallies, raffles, etc. and the proceeds of collections at fundraising~~
6 ~~events; and~~

7 ~~(f) — A coordinated expenditure.~~

8 ~~(2) — The term "contribution" does not include a volunteer's personal~~
9 ~~services provided without compensation or the travel or personal expenses of~~
10 ~~such a campaign worker] gift, subscription, loan, advance, or deposit of money~~
11 ~~or other things of value, including the estimated value of an in-kind contribution,~~
12 ~~that is made or received for a political purpose, including payment of a debt~~
13 ~~incurred in an election campaign. A contribution includes a coordinated~~
14 ~~expenditure. A contribution does not include the value of services provided~~
15 ~~without compensation or unreimbursed travel or other personal expenses of~~
16 ~~individuals who volunteer a portion or all of their time on behalf of a candidate~~
17 ~~or political committee nor does it include the administrative or solicitation~~
18 ~~expenses of a political committee that are paid by an organization that sponsors~~
19 ~~the committee. It also does not include the value of the incidental use of the~~
20 ~~candidate's personal property, home, or business office for campaign purposes.~~

21 K. *Contributor* means:

22 (1) *Individual contributor* means an individual who makes a
23 contribution from their personal assets which are not those of a business,
24 corporation, partnership, labor organization, unincorporated association or
25 political committee.

1 (2) *Business or organizational contributor* means an individual who uses the
2 assets of a business, corporation, partnership, labor organization, unincorporated
3 association or political committee as a contribution, or any business, corporation,
4 partnership, labor organization, unincorporated association or political committee which
5 makes a contribution.

6 L. *Coordinated expenditure* means an expenditure that is made[:]

7 (1) By [~~an individual or entity~~]a person other than a candidate or the
8 candidate's [~~political committee~~]campaign; [~~and~~]

9 ~~(2) In cooperation, consultation, or concert with, or at the request or~~
10 ~~suggestion of, a candidate, his/her representatives or agents or the candidate's political~~
11 ~~committee, including but not limited to, the following examples in subsections 9-~~
12 ~~2.3(K)(2)(a)-(d):~~

13 ~~(a) There has been substantial discussion between the individual or~~
14 ~~entity making the expenditure and the candidate, candidate's political committee,~~
15 ~~or his/her representatives or agents. Substantial discussion includes, but is not~~
16 ~~limited to, an exchange of campaign strategies, polling information, voter lists~~
17 ~~or any other similar information that would facilitate the election or defeat of a~~
18 ~~candidate.~~

19 ~~(b) An entity making the expenditure is directly or indirectly formed~~
20 ~~or established by or at the request or suggestion of, or with the encouragement~~
21 ~~of the candidate, candidate's political committee, or his/her representatives or~~
22 ~~agents;~~

23 ~~(c) The candidate, candidate's political committee or his/her~~
24 ~~representatives or agents has solicited funds or engaged in other fundraising~~
25 ~~activities on behalf of the person or entity making the expenditure during the~~

1 ~~twelve month (12) period preceding the date of the expenditure.~~
2 ~~Fundraising activities include, but are not limited to, exchanging names~~
3 ~~of potential donors or other lists to be used in engaging in fundraising~~
4 ~~activity, regardless of whether or not the individual or entity pays fair~~
5 ~~market value for the names or lists provided; or being a featured guest or~~
6 ~~speaker at a fundraising event for the benefit of the entity making the~~
7 ~~expenditure.~~

8 ~~(d) — If the individual or entity making the expenditure has~~
9 ~~employed, has in a leadership position, or has accepted a donation of the~~
10 ~~campaign related professional services of any person, who, during the~~
11 ~~twelve month period preceding the date of the expenditure, has been an~~
12 ~~employee of, has advised, or provided or is providing services to the~~
13 ~~candidate or candidate's political committee. These services include, but~~
14 ~~are not limited to, any services in support of the candidate's or candidate's~~
15 ~~political committee's campaign activities, such as advertising, message,~~
16 ~~strategy or policy services, polling, allocation of resources, fundraising~~
17 ~~or campaign operations.~~

18 ~~(e) — An expenditure is not a coordinated expenditure solely~~
19 ~~because:~~

20 ~~(i) — The individual or entity and a candidate or~~
21 ~~candidate's political committee use the same vendor to provide~~
22 ~~polling services, printing or distribution services or physical~~
23 ~~space, provided that the vendor has in place prior to the~~
24 ~~expenditure a firewall to ensure that there is no exchange of~~
25 ~~information between the individual or entity and the candidate~~

1 or campaign committee. Evidence of an adequate firewall is a vendor's
2 formal written policy or a contractual agreement with the vendor
3 prohibiting the exchange of information between the individual or entity
4 and the candidate or candidate's political committee, which policy or
5 contract is distributed to all relevant employees, consultants, and clients
6 affected by the policy or contract. The firewall shall be designed and
7 implemented to prohibit the flow of information between employees and
8 consultants providing services to the individual and entity and to those
9 currently or previously providing services to the candidate or candidate's
10 political committee. Coordination will be presumed in the absence of
11 such a firewall; or

12 (ii) — ~~The individual or entity making the expenditure interviews a candidate;
13 has endorsed a candidate; has obtained from the candidate a biography of the candidate
14 or a position paper, press release, or similar material about the candidate; has invited the
15 candidate to make an appearance before the person's members, employees or
16 shareholders; or has shared space with a candidate or candidate's political committee for
17 one or more single events of limited duration.]~~

18 2. At the request or suggestion of, or in cooperation, consultation, or concert
19 with, a candidate, campaign, or political party or any agent or representative of a
20 candidate, campaign, or political party; and

21 3. For the purpose of one of the following:

22 a. supporting or opposing the nomination or election of a
23 candidate; or

24 b. paying for an advertisement that refers to a identifiable candidate
25 and is published and disseminated to the electorate in Santa Fe within sixty (60)

1 days before the election in which the candidate is on the ballot.

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

3 N. *Expenditure* means a payment, transfer, distribution, or obligation, or
4 promise to pay, transfer or distribute any money or other thing of value for a political
5 purpose, including payment of a debt incurred in an election campaign.

6 [~~a payment or transfer of anything of value in exchange for goods, services,~~
7 ~~property, facilities, or anything of value for the purpose of supporting or opposing the~~
8 ~~election or defeat of any identifiable candidate or the approval or defeat of a ballot~~
9 ~~proposition. This includes contributions, subscriptions, distributions, loans, advances,~~
10 ~~deposits, or gifts of money or anything of value, and includes a contract, a promise or~~
11 ~~agreement, whether or not legally enforceable, to make an expenditure. The term~~
12 ~~"expenditure" also means the transfer of funds or anything of value between political~~
13 ~~committees.]~~

14 O. *Fund* means the public campaign finance fund created by subsection 9-
15 3.4 SFCC 1987.

16 P. *Independent expenditure* means an expenditure that is

17 1. made by a person other than a candidate or campaign;

18 2. not a coordinated expenditure as defined in Section 9-2, the

19 campaign code; and

20 3. made to pay for an advertisement that

21 a. expressly advocates the election or defeat of a
22 identifiable candidate or the passage or defeat of a identifiable question;

23 b. is susceptible to no other reasonable interpretation than
24 as an appeal to vote for or against a clearly identified candidate or ballot
25 question; or

1 c. refers to a clearly identified candidate or ballot question and is
2 published and disseminated to the electorate in Santa Fe within sixty (60) days
3 before the election at which the candidate or ballot question is on the ballot.

4 Q. *Political committee* means any entity that[=]

5 (1) Is formed for the principal purpose of[=]

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

10 (b) Coordinating or cooperating in efforts to support the election or
11 defeat of any identifiable candidates or of supporting the approval or defeat of
12 any ballot proposition; and

13 (2) Expends five thousand dollars (\$5,000.00) or more in the aggregate for
14 these principal purposes during a single election.

15 R. *Publicly financed candidate* means a candidate who has qualified and has been
16 certified pursuant to subsection 9-3.9 SFCC 1987 as eligible to receive payments from the fund.

17 S. *Qualified elector* means a person who is registered to vote in the city of Santa
18 Fe.

19 T. *Qualified small contribution* means a contribution of no more than one hundred
20 dollars (\$100.00) made and accepted in compliance with the provisions of subsection 9-
21 3.12 SFCC 1987.

22 U. *Qualifying contribution* means a contribution of five dollars (\$5.00) that is
23 received from a qualified elector during the qualifying period by a candidate seeking to become
24 a publicly financed candidate. A candidate for councilor shall only receive qualifying
25 contributions from qualified electors registered to vote in the council district in which the

1 candidate is running.

2 V. *Qualifying period* means the period during which a candidate seeking to
3 become a publicly financed candidate is permitted to collect qualifying contributions and
4 to apply for certification as a publicly financed candidate. It begins one hundred eighty-
5 three (183) days before the election and ends one hundred six (106) days before the
6 election.

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

10 X. *Seed money contribution* means a contribution of no more than one
11 hundred dollars (\$100.00) made and accepted in compliance with the provisions of
12 subsection 9-3.6 SFCC 1987 and used exclusively for the purposes specified in that
13 subsection.

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

16 **Section 3. Removing Section 9-2.4 of SFCC 1987 (being Ord. No. 2005-**
17 **14, § 27, as amended):**

18 *Editor's note: leave this section as "Reserved."; do not re-number subsequent sections.

19 **9-2.4 – [~~Familiarity with Campaign Code.~~**

20 ~~A. Each potential candidate obtaining a form for the declaration of candidacy~~
21 ~~shall acknowledge in writing receipt and familiarity with the provisions of the Campaign~~
22 ~~Code and agree to abide by the code's requirements without waiving any legal rights to~~
23 ~~challenge.~~

24 ~~B. Refusal to sign said acknowledgment shall not preclude a potential~~
25 ~~candidate from seeking office, but failure to do so will be made public information.]~~

1 **Section 4. Section 9-2.5 of SFCC 1987 (being Ord. No. 1998-41, § 4, as amended)**
2 **is amended to read:**

3 **9-2.5 Identification of campaign material.**

4 A. Campaign materials disseminated or communicated by a candidate shall
5 conspicuously identify the name of the candidate and campaign treasurer.

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

9 C. Any candidate, or person acting on behalf of a candidate, shall not willfully steal,
10 destroy, or damage another candidate's campaign materials.

11 ~~[D. Written, printed or posted materials shall also show a telephone contact number.]~~

12 **Section 5. Section 9-2.6 of SFCC 1987 (being Ord. No. 2005-14, § 29, as**
13 **amended) is amended to read:**

14 **9-2.6 Independently sponsored campaign communications and reporting.**

15 A. A person ~~[or entity that makes expenditures of five hundred dollars (\$500.00) or~~
16 ~~more in the aggregate during a single election to pay for any form of public communication~~
17 ~~including print, broadcast, cable or electronic advertising, billboards, signs, pamphlets, mass~~
18 ~~mailers, mass electronic mail, recorded phone messages, organized phone banking or organized~~
19 ~~precinct walking, that is disseminated to one hundred (100) or more eligible voters, and that either~~
20 ~~expressly advocates the election or defeat of a candidate, or the approval or defeat of a ballot~~
21 ~~proposition; or refers to a clearly identifiable candidate or ballot proposition within sixty (60) days~~
22 ~~before an election at which the candidate or proposition is on the ballot, who makes an independent~~
23 ~~expenditure shall [thereafter, on each of the days prescribed for the filing of campaign finance~~
24 ~~statements,] file a report with the City Clerk [a report of all such expenditures made and all~~
25 ~~contributions received for the purpose of paying for such expenditures on or before the date of the~~

1 ~~report which have not been previously reported and which are not exempted from reporting~~
2 ~~by paragraph D of this subsection.]~~ within three business days of making the expenditure
3 if the expenditure, by itself or aggregated with all independent expenditures made by the
4 same person during an election, exceeds five hundred dollars (\$500).

5 B. The report required by paragraph A of this subsection shall state

6 (1) the name and address of the person who made the independent
7 expenditure;

8 (2) the name and address of the person to whom the independent
9 expenditure was made and the amount, date, and purpose of the independent
10 expenditure. If no reasonable estimate of the monetary value of a particular
11 expenditure is practicable, it is sufficient to report instead a description of the
12 services, property or rights furnished through the expenditure; and

13 (3) the source of the contributions used to make the independent
14 expenditure as provided in paragraphs C and D of this subsection.

15 C. A person who makes independent expenditures required to be reported
16 under this subsection shall report the name and address of each person who has made
17 contributions of more than a total of twenty-five dollars (\$25) in the election that were
18 earmarked or made in response to a solicitation to fund independent expenditures and shall
19 report the amount of each such contribution made by that person.

20 D. If a person who has made a report required by this section is required to
21 make subsequent reports during the election cycle, the information concerning
22 contributions in the subsequent reports shall cover only contributions not previously
23 reported.

24 ~~[B. Each report shall be submitted on a form prescribed by the city clerk. The name~~
25 ~~and address of the reporting person or entity and the name of its president, chief executive~~

1 officer, or equivalent position shall be stated in the report.

2 ~~C. Contributions shall be specified by date, amount of contribution, name, address and~~
3 ~~occupation of the person or entity from whom the contribution was received. No contribution shall~~
4 ~~be reported in the name of a person who is not the actual contributor or who has been or will be~~
5 ~~reimbursed or compensated for the contribution by another person. The reporting person or entity~~
6 ~~shall certify on the filing that its expenditures were or were not made in cooperation, consultation,~~
7 ~~or concert with, or at the request or suggestion of, a candidate, his/her representatives or agents or~~
8 ~~the candidate's political committee.~~

9 ~~D. A contribution received from a contributor whose aggregate contributions to the~~
10 ~~reporting person or entity for the purpose of paying for the expenditures covered by paragraph A~~
11 ~~of this section are less than twenty five dollars (\$25.00) need not be separately reported, but the~~
12 ~~amount thereof shall be included in the reported cumulative total of contributions received by the~~
13 ~~reporting person or entity during the period covered by the report. Where such a contributor makes~~
14 ~~subsequent contributions that increase the contributor's aggregate total of such contributions to~~
15 ~~twenty five dollars (\$25.00) or more, all such contributions from the contributor, regardless of their~~
16 ~~amount, shall thereafter be separately reported for the reporting period during which they are~~
17 ~~received.~~

18 ~~E. Expenditures shall be specified by date, the amount of the expenditure, the name and~~
19 ~~address of the person or entity where an expenditure was made and the purpose of the expenditure.~~
20 ~~No report is required under this subsection for expenditures made exclusively for communications~~
21 ~~to the news media, editorials, reports or commentary by the news media, impartial candidate forums~~
22 ~~or debates or the announcements thereof, or for impartial voter guides allowed by the Internal~~
23 ~~Revenue Code for Section 501(c)(3) organizations or a communication by a membership~~
24 ~~organization or corporation to its current members, stockholders or executive or administrative~~
25 ~~personnel unless the membership organization or corporation is a campaign committee or a political~~

1 ~~committee.~~

2 ~~F. Any person or entity that has to file under this subsection and receives~~
3 ~~contributions from another entity that does not have to disclose its contributors to the city~~
4 ~~clerk, shall place the following visible disclosure on its campaign materials: "This~~
5 ~~campaign material is supported in part by donations from an organization that is not~~
6 ~~required to disclose its contributors to the Santa Fe city clerk."]~~

7 **Section 6. Section 9-2.7 of SFCC 1987 (being Ord. No. 1998-41, § 5, as**
8 **amended) is amended to read:**

9 **9-2.7 Statement of political committee organization.**

10 A. Every political committee shall file a statement of organization with the
11 city clerk within ten (10) days of becoming a political committee as defined in paragraph
12 P of s[§]ubsection 9-2.3[~~(P)~~] SFCC 1987.

13 B. The statement of organization shall include but not be limited to the
14 following:

15 (1) The name, street address, city, county, state, zip code and
16 telephone number of the political committee;

17 [~~(2) The full name, street address, city, county, state and telephone~~
18 ~~number of each firm, association, partnership, business trust, corporation,~~
19 ~~company, committee, and other organization or group of individuals with which~~
20 ~~the political committee is affiliated or connected or with which it coordinated or~~
21 ~~cooperated in its efforts to support the election or defeat of any identifiable~~
22 ~~candidate;]~~

23 (~~[3]~~2) The names, addresses and titles of its officers; or if it has no
24 officers, the names, addresses, and titles of its responsible leaders;

25 (~~[4]~~3) The full names, addresses and telephone number (home and

1 business) of its campaign treasurer and campaign depository;

2 ~~[(5) The full name of each candidate whom the political committee is~~
3 ~~supporting or opposing;~~

4 ~~(6) The ballot proposition concerned, if any, and whether the political~~
5 ~~committee is in favor of or opposed to such proposition; and~~

6 ~~(7) What distribution of surplus funds will be made upon dissolution.]~~

7 C. Any material changes in information previously submitted to the city clerk shall
8 be reported to the city clerk within ten (10) days of such change.

9 **Section 7. Section 9-2.8 of SFCC 1987 (being Ord. No. 1998-41, § 6, as amended)**
10 **is amended to read:**

11 **9-2.8 Appointment of campaign treasurer ~~[or deputy campaign treasurer]~~ and**
12 **designation of depository by candidate.**

13 A. Each candidate, within two (2) weeks after becoming a candidate, and each
14 political committee, at the time it is required to file a statement of organization, shall designate
15 and file with the city clerk the names and addresses of:

16 (1) One (1) legally competent individual, who may be the candidate, to serve
17 as campaign treasurer ~~[and in addition any appointed deputy campaign treasurer(s)]~~; and

18 (2) The campaign depository.

19 ~~[B. A candidate, political committee, campaign treasurer, or deputy campaign~~
20 ~~treasurer may appoint as many deputy campaign treasurers as is considered necessary. The~~
21 ~~candidate or political committee shall file the names and addresses of any deputy campaign~~
22 ~~treasurers with the city clerk on the next business day after their appointment.]~~

23 ~~[C]~~B. A candidate or political committee may at any time remove a campaign treasurer
24 ~~[or deputy campaign treasurer]~~ or change a designated campaign depository. In the event of the
25 death, resignation, removal, or change of a campaign treasurer, ~~[deputy campaign treasurer,]~~ or

1 depository, the candidate or political committee shall designate and file with the city
2 clerk within ten (10) days after such designation, the name and address of any successor.

3 ~~[D].C~~ No contribution and no expenditure shall be accepted or made by or on
4 behalf of a candidate or political committee unless there is a depository and ~~[either]~~ a
5 campaign treasurer ~~[or deputy campaign treasurer]~~ in office.

6 D. No ~~[contribution and no]~~ expenditure shall be ~~[accepted or]~~ made by or on
7 behalf of a candidate or political committee ~~[unless there is a depository and either a~~
8 ~~campaign treasurer or deputy campaign treasurer in office]~~ without the authorization of
9 the treasurer.

10 D. A candidate is deemed to be their own campaign treasurer ~~[or deputy~~
11 ~~campaign treasurer]~~ until or unless they appoint another person to that office. No
12 expenditure shall be made by or on behalf of a candidate or political committee without
13 the authorization of the treasurer ~~[or deputy campaign treasurer]~~.

14 **Section 8. Section 9-2.9 of SFCC 1987 (being Ord. No. 1998-41, § 7, as**
15 **amended) is amended to read:**

16 **9-2.9 Campaign treasurer; ~~[deputy campaign treasurer;]~~ duties.**

17 A. The campaign treasurer ~~[or deputy campaign treasurer]~~ shall keep a true
18 and full record of contributions and expenditures. The record of contributions and
19 expenditures required to be kept under the terms of the Campaign Code and the Public
20 Campaign Finance Code shall reflect the requirements in subsection 9-2.11 SFCC 1987
21 and Section 9-3 SFCC 1987, respectively.

22 B. The campaign treasurer ~~[or deputy campaign]~~ treasurer shall maintain[=]

23 (1) Receipts reflecting the purpose of each expenditure and the day
24 and method of payment; and

25 (2) All campaign bank records, including deposit slips and canceled

1 checks.

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

9 D. Records required to be kept by the campaign treasurer [~~or deputy campaign~~
10 ~~treasurer~~] under the terms of paragraph A of this subsection, shall be filed with the city clerk as
11 part of the public record, shall be provided to the ethics and campaign review board set forth
12 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 E. Records kept by the campaign treasurer [~~or deputy campaign treasurer~~] shall be
15 made current not more than seven (7) days after the date of a contribution or of an expenditure.
16 During the eight (8) days immediately preceding the date of any election for which the political
17 committee has received any contributions or made any expenditures, the books of the account
18 shall be kept current within one (1) business day.

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

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

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

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

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

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

13 (c) An expenditure supporting the election or defeat of any
14 identifiable candidate or the passage or defeat of a ballot proposition; or

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

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

23 (a) Expenditures of the campaign;

24 (b) Donations to the city's general fund or, in the case of
25 tangible assets, to the city for its use or disposition in accordance with

1 the city's procurement code. Proceeds from such disposition shall be deposited
2 in the city's general fund;

3 (c) Donations to charities; or

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

5 (3) All unspent campaign contributions shall be distributed within six (6)
6 months following a municipal election, for any of the purposes listed in this paragraph H
7 of [this] subsection 9-2.9[H]. All candidates and political committees shall file reports
8 listing the date, amount, and recipient of each post-election expenditure, donation, or
9 disbursement made from campaign funds pursuant to this paragraph H of subsection 9-
10 2.9[H]. Such report shall be part of the final campaign finance statement that is required
11 by paragraph A of subsection 9-2.10[B] SFCC 1987.

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

18 **Section 9. Section 9-2.10 of SFCC 1987 (being Ord. No. 1998-41, § 8, as**
19 **amended) is amended to read:**

20 **9-2.10 Campaign finance statement required.**

21 A. In addition to any statement of organization required pursuant to paragraph A of
22 subsection 9-2.7[A] SFCC 1987, each candidate or political committee and their respective
23 campaign treasurer or deputy campaign treasurer shall file a campaign finance statement of all
24 contributions received and expenditures made to date which report shall be current as of the day
25 immediately preceding the reporting date. Contributions shall be reported as of the date of receipt

1 of cash, checks, pledges, commitments for in-kind contributions, promissory notes, or
2 other money instruments regardless of the date of actual cashing or deposit. The report
3 shall be submitted on a form prescribed by the city clerk, and shall be filed during the
4 following periods:

5 (1) By 5:00 p.m. on the [~~fortieth~~ sixtieth (60th)] day preceding an
6 election in which the candidate is seeking election to an office or in connection
7 with which the political committee has received contributions or made
8 expenditures;

9 (2) By 5:00 p.m. on the [~~twenty fifth (25th)~~ thirtieth (30th)] day
10 preceding such election;

11 (3) By 5:00 p.m. on the Tuesday preceding such election; and

12 [~~(4) — By 12:00 noon on the Monday preceding such election;~~]

13 (~~[5]4~~) Within [~~two (2) weeks~~] thirty (30) days following such election
14 (final report). ~~;~~ and

15 (~~6)As required in subsection 9-2.10B SFCC 1987 below.]~~

16 B. [~~The candidate or political committee and their respective campaign treasurer~~
17 ~~or deputy campaign treasurer shall file a final report no later than six (6) months~~
18 ~~following a municipal election.~~] Upon submitting a final report there shall be no
19 obligation to make any further reports unless there are outstanding debts. If there are,
20 a report shall be filed every six (6) months until all outstanding debts have been
21 liquidated.

22 C. If a reporting day falls on a weekend, the campaign finance statement
23 shall be filed with the city clerk on the first working day immediately following the
24 weekend.

25 D. Campaign finance statements shall be filed with the city clerk during

1 regular business hours.

2 E. The city clerk [~~is authorized to~~] shall reject any incomplete campaign finance
3 statements. The city clerk shall notify the candidate or political committee that the campaign
4 finance statement is incomplete.

5 F. Any candidate who withdraws from an election shall be required to file a report
6 at the time of withdrawal.

7 G. The city clerk shall assess a fine of one hundred dollars (\$100.00) for unexcused
8 late filing of campaign finance statements.

9 **Section 10. Section 9-2.15 of SFCC 1987 (being Ord. No. 2005-14, § 38, as**
10 **amended) is amended to read:**

11 **9-2.15 Temporary political signs.**

12 The following requirements shall apply for political campaign signs:

13 A. No building permit is required.

14 B. Signs shall not be located on or overhang onto public property, including but not
15 limited to, rights-of-way. Signs placed on a curb strip in front of a private residence, with the
16 permission of the owner, are exempt from this section.

17 C. Each candidate shall designate a liaison contact as responsible for the lawful
18 placement and location of political campaign signs. The contact's name and telephone number
19 shall be filed with the city clerk [~~, and shall legibly appear on every political campaign sign. A~~
20 ~~candidate may be a liaison contact~~].

21 D. Political campaign signs may be located [~~only~~] on private property, with the
22 consent of the property owner, who may remove any sign placed on such owner's property
23 without permission.

24 E. The city [~~manager~~] clerk shall request that candidate liaison contacts [~~to~~]
25 their [~~own~~] candidates' unlawful signs within twenty-four (24) hours and upon their failure to do

1 so shall impose a fine of fifty dollars (\$50.00) per sign, per day.

2 F. If not removed as directed in paragraph E. above, the city manager shall
3 direct city staff to remove those signs placed on public property or rights-of-way in
4 violation of this section, including the towing of vehicles displaying political campaign
5 signs illegally parked on city property.

6 G. No sign shall exceed thirty-two (32) square feet.

7 H. All political signs shall be removed within five (5) days after the election.

8 **Section 11. Section 9-3.3 of SFCC 1987 (being Ord. No. 2009-44, § 4, as**
9 **amended) is amended to read:**

10 **9-3.3 Definitions.**

11 As used in this section, the definitions in section 9-2 apply. [~~the following terms~~
12 ~~have the following meanings:~~

13 ~~A. "Advertisement" means a communication referring to a candidate or ballot~~
14 ~~question that is published, disseminated, distributed or displayed to the public by print,~~
15 ~~broadcast, satellite, cable, or electronic media, including recorded phone messages, or by~~
16 ~~printed materials, including mailers, handbills, signs and billboards, but "advertisement"~~
17 ~~does not include:~~

18 ~~(1) a communication by a membership organization or corporation to~~
19 ~~its current members, stockholders or executive or administrative personnel;~~

20 ~~(2) a communication appearing in a news story or editorial distributed~~
21 ~~through a print, broadcast, satellite, cable or electronic medium;~~

22 ~~(3) a candidate debate or forum or a communication announcing a~~
23 ~~candidate debate or forum paid for on behalf of the debate or forum sponsor;~~
24 ~~provided that two or more candidates for the same position have been invited to~~
25 ~~participate or, in the case of an uncontested election, that the single candidate for~~

1 ~~the position has been invited to participate;~~

2 ~~(4) — nonpartisan voter guides allowed by the federal Internal Revenue Code of~~
3 ~~1986, as amended, for Section 501(c)(3) organizations; or~~

4 ~~(5) — statements made to a court or administrative board in the course of a~~
5 ~~formal judicial or administrative proceeding;~~

6 ~~—B.—Anonymous contribution means a contribution for which any of the information~~
7 ~~required to be recorded or reported by the Campaign Code is unknown to the persons~~
8 ~~who are required to record or report it.~~

9 ~~—C.—Ballot proposition means any measure, amendment or other question submitted~~
10 ~~to, or proposed for submission to, a popular vote at a Santa Fe election.~~

11 ~~[A]B.—Campaign depository means a bank, mutual savings bank, savings and loan~~
12 ~~association or credit union doing business in this state under which a campaign account or~~
13 ~~accounts are maintained.~~

14 ~~C.—[D]E.—Campaign finance statement means a report of all contributions received~~
15 ~~and expenditures made according to a form prescribed by the city clerk which, when completed~~
16 ~~and filed, provides the information required in the sections to follow.~~

17 ~~[B]C.—Campaign materials means any published communication, electronic or~~
18 ~~otherwise, disseminated to more than one hundred (100) persons that either supports the election~~
19 ~~or defeat of any identifiable candidate or candidates or supports the approval or defeat of a ballot~~
20 ~~proposal, other than communications to, or editorials, reports, or commentary by news media.~~

21 ~~D.—[F]G.—Campaign treasurer and deputy campaign treasurer means the~~
22 ~~individual who is responsible for keeping the financial records of the political committee or~~
23 ~~candidate (the candidate may be their own campaign treasurer or deputy campaign treasurer).~~

24 ~~C.—Candidate means any individual who seeks election to a Santa Fe municipal~~
25 ~~office. An individual shall be a candidate when they:~~

- 1 (1) — ~~[Announce publicly;~~
2 (2) — ~~File for office;~~
3 (3)] — ~~When contributions are accepted or expenditures made; or when~~
4 ~~[(4)2] Any activity is held to promote an election campaign of an~~
5 individual if that activity is endorsed or supported by that person or if the benefits
6 of such activity are later accepted by such person.

7 [H]. — ~~Charity means an organization that is exempted from federal taxation by~~
8 Title 26 United States Code, section 501(c)(3).

9 D. — ~~Contested race means a race in which there are at least two (2)~~
10 candidates for the office sought.

11 [I]. — ~~Contribution means a [loan, loan guarantee, gift, advance, pledge,~~
12 contract, agreement or promise of money or anything of value or other obligation,
13 whether or not these items are legally enforceable, made directly or indirectly, to a
14 candidate or political committee, or to a person obligated to file a report under
15 Subsection 9-2.6 SFCC 1987, for the purpose of supporting the election or defeat of any
16 identifiable candidate or the approval or defeat of a ballot proposition.

17 (1) — ~~The term "contribution" includes:~~

18 (a) — ~~The transfer of funds or anything of value between~~
19 political committees;

20 (b) — ~~The transfer of anything of value for less than full~~
21 consideration;

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

24 (d) — ~~The payment for the services of an individual serving on~~
25 behalf of a candidate or political committee, which payments are made

1 by a third party;

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

4 (f) — ~~A coordinated expenditure.~~

5 (2) — ~~The term "contribution" does not include a volunteer's personal services~~
6 ~~provided without compensation or the travel or personal expenses of such a campaign~~
7 ~~worker; gift, subscription, loan, advance, or deposit of money or other things of value,~~
8 ~~including the estimated value of an in-kind contribution, that is made or received for a~~
9 ~~political purpose, including payment of a debt incurred in an election campaign. A~~
10 ~~contribution includes a coordinated expenditure. A contribution does not include the~~
11 ~~value of services provided without compensation or unreimbursed travel or other~~
12 ~~personal expenses of individuals who volunteer a portion or all of their time on behalf of~~
13 ~~a candidate or political committee nor does it include the administrative or solicitation~~
14 ~~expenses of a political committee that are paid by an organization that sponsors the~~
15 ~~committee; and does not include the value of the incidental use of the candidate's~~
16 ~~personal property, home, or business office for campaign purposes.~~

17 E. — ~~Contribution means a loan, loan guarantee, gift, advance, pledge, contract,~~
18 ~~agreement or promise of money or anything of value or other obligation, whether or not legally~~
19 ~~enforceable, made directly or indirectly, to a candidate or political committee, or to a person~~
20 ~~obligated to file a report under subsection 9-2.6 SFCC 1987, for the purpose of supporting or~~
21 ~~opposing the election of a candidate or the approval or defeat of a ballot proposition.~~

22 (1) — ~~The term "contribution" includes:~~

23 (a) — ~~The transfer of funds or anything of value between political~~
24 ~~committees;~~

25 (b) — ~~The transfer of anything of value for less than full 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~~
5 ~~by a third party;~~

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; and~~

9 ~~(f) — A coordinated expenditure.~~

10 ~~(2) — The term "contribution" does not include a volunteer's personal~~
11 ~~services provided without compensation or the travel or personal expenses of~~
12 ~~such a campaign worker.~~

13 ~~[J]K. — Contributor means:~~

14 ~~(1) — Individual contributor means an individual who makes a~~
15 ~~contribution from their personal assets which are not those of a business,~~
16 ~~corporation, partnership, labor organization, unincorporated association or~~
17 ~~political committee.~~

18 ~~(2) — Business or organizational contributor means an individual who~~
19 ~~uses the assets of a business, corporation, partnership, labor organization,~~
20 ~~unincorporated association or political committee as a contribution, or any~~
21 ~~business, corporation, partnership, labor organization, unincorporated~~
22 ~~association or political committee which makes a contribution.~~

23 ~~G. — Coordinated expenditure means an expenditure that is~~
24 ~~made:~~

25 ~~(1) — By [an individual or entity] a person other than a candidate or~~

1 ~~[the candidate's political committee]campaign; [and]~~

2 (2) ~~— [In cooperation, consultation, or concert with, or at the request or~~
3 ~~suggestion of, a candidate, his/her representatives or agents or the candidate's political~~
4 ~~committee, including but not limited to, the following examples in subsections 9-~~
5 ~~2.3(K)(2)(a)-(d):~~

6 (a) ~~— There has been substantial discussion between the individual or~~
7 ~~entity making the expenditure and the candidate, candidate's political committee,~~
8 ~~or his/her representatives or agents. Substantial discussion includes, but is not~~
9 ~~limited to, an exchange of campaign strategies, polling information, voter lists~~
10 ~~or any other similar information that would facilitate the election or defeat of a~~
11 ~~candidate.~~

12 (b) ~~— An entity making the expenditure is directly or indirectly formed~~
13 ~~or established by or at the request or suggestion of, or with the encouragement~~
14 ~~of the candidate, candidate's political committee, or his/her representatives or~~
15 ~~agents;~~

16 (c) ~~— The candidate, candidate's political committee or his/her~~
17 ~~representatives or agents has solicited funds or engaged in other fundraising~~
18 ~~activities on behalf of the person or entity making the expenditure during the~~
19 ~~twelve month (12) period preceding the date of the expenditure. Fundraising~~
20 ~~activities include, but are not limited to, exchanging names of potential donors~~
21 ~~or other lists to be used in engaging in fundraising activity, regardless of whether~~
22 ~~or not the individual or entity pays fair market value for the names or lists~~
23 ~~provided; or being a featured guest or speaker at a fundraising event for the~~
24 ~~benefit of the entity making the expenditure.~~

25 (d) ~~— If the individual or entity making the expenditure has employed,~~

1 ~~has in a leadership position, or has accepted a donation of the campaign~~
2 ~~related professional services of any person, who, during the twelve-~~
3 ~~month period preceding the date of the expenditure, has been an~~
4 ~~employee of, has advised, or provided or is providing services to the~~
5 ~~candidate or candidate's political committee. These services include, but~~
6 ~~are not limited to, any services in support of the candidate's or candidate's~~
7 ~~political committee's campaign activities, such as advertising, message,~~
8 ~~strategy or policy services, polling, allocation of resources, fundraising~~
9 ~~or campaign operations.~~

10 ~~(e) — An expenditure is not a coordinated expenditure solely~~
11 ~~because:~~

12 ~~(i) — The individual or entity and a candidate or~~
13 ~~candidate's political committee use the same vendor to provide~~
14 ~~polling services, printing or distribution services or physical~~
15 ~~space, provided that the vendor has in place prior to the~~
16 ~~expenditure a firewall to ensure that there is no exchange of~~
17 ~~information between the individual or entity and the candidate~~
18 ~~or campaign committee. Evidence of an adequate firewall is a~~
19 ~~vendor's formal written policy or a contractual agreement with~~
20 ~~the vendor prohibiting the exchange of information between the~~
21 ~~individual or entity and the candidate or candidate's political~~
22 ~~committee, which policy or contract is distributed to all relevant~~
23 ~~employees, consultants, and clients affected by the policy or~~
24 ~~contract. The firewall shall be designed and implemented to~~
25 ~~prohibit the flow of information between employees and~~

1 consultants providing services to the individual and entity and to those
2 currently or previously providing services to the candidate or candidate's
3 political committee. Coordination will be presumed in the absence of
4 such a firewall; or

5 (ii) ~~The individual or entity making the expenditure interviews a candidate;~~
6 ~~has endorsed a candidate; has obtained from the candidate a biography of the candidate~~
7 ~~or a position paper, press release, or similar material about the candidate; has invited the~~
8 ~~candidate to make an appearance before the person's members, employees or~~
9 ~~shareholders; or has shared space with a candidate or candidate's political committee for~~
10 ~~one or more single events of limited duration.]at the request or suggestion of, or in~~
11 ~~cooperation, consultation, or concert with, a candidate, campaign, or political party or~~
12 ~~any agent or representative of a candidate, campaign, or political party; and~~

13 ~~3. for the purpose of:~~

14 ~~a. supporting or opposing the nomination or election of a~~
15 ~~candidate; or~~

16 ~~b. paying for an advertisement that refers to a clearly identified~~
17 ~~candidate and is published and disseminated to the electorate in Santa Fe within~~
18 ~~sixty (60) days before the election in which the candidate is on the ballot.~~

19 F. ~~Coordinated expenditure~~ means an expenditure that is made:

20 (1) ~~By an individual or entity other than a candidate or the candidate's~~
21 ~~political committee; and~~

22 (2) ~~In cooperation, consultation or concert with, or at the request or~~
23 ~~suggestion of, a candidate, his/her representatives or agents or the candidate's political~~
24 ~~committee, including but not limited to, the following examples in subsections 9-~~
25 ~~3.3(F)(2)(a)-(d):~~

1 ~~(a) — There has been substantial discussion between the~~
2 ~~individual or entity and the candidate, the candidate's political committee~~
3 ~~or his/her representatives or agents. Substantial discussion includes, but~~
4 ~~is not limited to, an exchange of campaign strategies, polling~~
5 ~~information, voter lists, or any other similar information that would~~
6 ~~facilitate the election or defeat of a candidate;~~

7 ~~(b) — An entity making the expenditure is directly or indirectly~~
8 ~~formed or established by or at the request or suggestion of, or with the~~
9 ~~encouragement of the candidate, the candidate's political committee or~~
10 ~~his/her representatives or agents;~~

11 ~~(c) — The candidate, the candidate's political committee, or~~
12 ~~his/her representatives or agents has solicited funds or engaged in other~~
13 ~~fundraising activities on behalf of the person or entity making the~~
14 ~~expenditure during the twelve month period preceding the date of the~~
15 ~~expenditure. Fundraising activities include, but are not limited to,~~
16 ~~exchanging names of potential donors or other lists to be used in~~
17 ~~engaging in fundraising activity, regardless of whether or not the~~
18 ~~individual or entity pays fair market value for the names or lists~~
19 ~~provided; or being a featured guest or speaker at a fundraising event for~~
20 ~~the benefit of the entity making the expenditure;~~

21 ~~(d) — If the individual or entity making the expenditure has~~
22 ~~employed, has in a leadership position, or has accepted a donation of the~~
23 ~~campaign related professional services of any person, who, during the~~
24 ~~twelve month period preceding the date of the expenditure, has been an~~
25 ~~employee of, has advised, or provided or is providing services to the~~

1 candidate or candidate's political committee. These services include, but are not
2 limited to, any services in support of the candidate's or candidate's political
3 committee's campaign activities, such as advertising, message, strategy or policy
4 services, polling, allocation of resources, fundraising or campaign operations.

5 (e) — An expenditure is not a coordinated expenditure solely because:

6 (i) — The individual or entity and a candidate or candidate's
7 political committee use the same vendor to provide polling services,
8 printing or distribution services or physical space, provided that the
9 vendor has in place prior to the expenditure a firewall to ensure that there
10 is no exchange of information between the individual or entity and the
11 candidate or campaign committee. Evidence of an adequate firewall is a
12 vendor's formal written policy or a contractual agreement with the
13 vendor prohibiting the exchange of information between the individual
14 or entity and the candidate or candidate's political committee, which
15 policy or contract is distributed to all relevant employees, consultants
16 and clients affected by the policy or contract. The firewall shall be
17 designed and implemented to prohibit the flow of information between
18 employees and consultants providing services to the individual and entity
19 and to those currently or previously providing services to the candidate
20 or candidate's political committee. Coordination will be presumed in the
21 absence of such a firewall; or

22 (ii) — The individual or entity making the expenditure
23 interviews a candidate; has endorsed a candidate; has obtained from the
24 candidate a biography of the candidate or a position paper, press release,
25 or similar material about the candidate; has invited the candidate to make

1 ~~an appearance before the person's members, employees or~~
2 ~~shareholders; or has shared space with a candidate or candidate's~~
3 ~~political committee for one (1) or more single events of limited~~
4 ~~duration.~~

5 G. ~~—~~ *Election* means any regular or special Santa Fe municipal election.

6 ~~[M]N. Expenditure means a payment, transfer or distribution or obligation or~~
7 ~~promise to pay, transfer or distribute any money or other thing of value for a political~~
8 ~~purpose, including payment of a debt incurred in an election campaign;~~

9 ~~[a payment or transfer of anything of value in exchange for goods, services,~~
10 ~~property, facilities, or anything of value for the purpose of supporting or opposing the~~
11 ~~election or defeat of any identifiable candidate or the approval or defeat of a ballot~~
12 ~~proposition. This includes contributions, subscriptions, distributions, loans, advances,~~
13 ~~deposits, or gifts of money or anything of value, and includes a contract, a promise or~~
14 ~~agreement, whether or not legally enforceable, to make an expenditure. The term~~
15 ~~"expenditure" also means the transfer of funds or anything of value between political~~
16 ~~committees.]~~

17 H. ~~—~~ *Expenditure* means a payment or transfer of anything of value in
18 exchange for goods, services, property, facilities, or anything of value for the purpose of
19 supporting or opposing the election of a candidate or the approval or defeat of a ballot
20 proposition. This includes contributions, subscriptions, distributions, loans, advances,
21 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
23 "expenditure" also means the transfer of funds or anything of value between political
24 committees.

25 I. ~~—~~ *Fund* means the public campaign finance fund created by subsection 9-

1 ~~3.4 SFCC 1987.~~

2 ~~. Independent expenditure means an expenditure that is:~~

3 ~~1. made by a person other than a candidate or campaign;~~

4 ~~2. not a coordinated expenditure as defined in Section 9 2, the campaign~~

5 ~~code.~~

6 ~~3. made to pay for an advertisement that:~~

7 ~~a. expressly advocates the election or defeat of a clearly identified~~
8 ~~candidate or the passage or defeat of a clearly identified ballot question;~~

9 ~~b. is susceptible to no other reasonable interpretation than as an~~
10 ~~appeal to vote for or against a clearly identified candidate or ballot question; or~~

11 ~~c. refers to a clearly identified candidate or ballot question and is~~
12 ~~published and disseminated to the electorate in Santa Fe within sixty (60) days~~
13 ~~before the election at which the candidate or ballot question is on the ballot.~~

14 ~~{J. Non-participating candidate means a candidate who is not a participating~~
15 ~~candidate.}~~

16 ~~{N}P. Political committee means any entity that:~~

17 ~~(1) Is formed for the principal purpose of:~~

18 ~~(a) Raising or collecting, and expending or contributing money or~~
19 ~~anything of value for supporting the election or defeat of any identifiable~~
20 ~~candidate or candidates or for supporting the approval or defeat of ballot~~
21 ~~propositions; or~~

22 ~~(b) Coordinating or cooperating in efforts to support the election or~~
23 ~~defeat of any identifiable candidates or of supporting the approval or defeat of~~
24 ~~any ballot proposition; and~~

25 ~~(2) Expends five thousand dollars (\$5,000.00) or more in the aggregate for~~

1 ~~these principal purposes during a single election.~~

2 ~~[K]J. *Participating Publicly financed candidate* means a candidate who has~~
3 ~~qualified and has been certified pursuant to subsection 9-3.9 SFCC 1987 as eligible to~~
4 ~~receive payments from the fund.~~

5 ~~[L]K. *Qualified elector* means a person who is registered to vote in the city of~~
6 ~~Santa Fe.~~

7 ~~[M]L. *Qualified small contribution* means a contribution of no more than one~~
8 ~~hundred dollars (\$100.00) made and accepted in compliance with the provisions of~~
9 ~~subsection 9-3.12 SFCC 1987.~~

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

15 ~~[O]N. *Qualifying period* means the period during which a candidate seeking to~~
16 ~~become a participating publicly financed candidate is permitted to collect qualifying~~
17 ~~contributions and to apply for certification as a participating publicly financed candidate.~~
18 ~~It begins one hundred eighty three (183) days before the election and ends one hundred~~
19 ~~six (106) days before the election.~~

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

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

1 ~~section.~~

2 ~~[R]Q. *Uncontested race* means a race in which there is only one (1) candidate for the~~
3 ~~office sought.]~~

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

6 **9-3.5 Eligibility as a ~~[participating]~~ publicly financed candidate.**

7 Any candidate for municipal office may qualify as a ~~[participating]~~ publicly financed
8 candidate eligible to receive payments from the fund pursuant to subsections 9-3.10 and 9-
9 3.13 SFCC 1987 if the candidate:

10 A. Meets the requisites to be listed on the ballot as a certified candidate for
11 municipal office pursuant to the provisions of Subsection D of Section 1-22-3.2 NMSA 1978 and
12 Article IV Section 4.03 of the Santa Fe Municipal Charter;

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

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

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

19 (3) For a candidate running for the office of municipal judge, one hundred
20 fifty (150) qualifying contributions from separate qualified electors.

21 C. Submits an application for certification pursuant to subsection 9-3.8 SFCC 1987
22 setting forth the agreement and the averments, ~~and~~ accompanied by the supporting documents
23 and payments that are required by that subsection.

24 **Section 13. Section 9-3.6 of SFCC 1987 (being Ord. No. 2009-44, § 7, as amended)**
25 **is amended to read:**

1 **9-3.6 - Seed money contributions.**

2 A. A candidate seeking to become a [~~participating~~]publicly financed
3 candidate may solicit and accept seed money contributions to defray expenses incurred
4 in obtaining qualifying contributions and in seeking certification as a
5 [~~participating~~]publicly financed candidate.

6 B. The aggregate amount of seed money contributions from any one
7 contributor to any one candidate shall not exceed one hundred dollars (\$100.00), and the
8 aggregate amount of seed money contributions accepted by a candidate shall not exceed
9 ten percent (10%) of the amount payable under subsection 9-3.10 SFCC 1987 to a
10 candidate in a contested election for the office sought.

11 C. Each seed money contribution shall be accompanied by a form signed by
12 the contributor, which shall include the contributor's name, home address, telephone
13 number, occupation, and name of employer. The city clerk shall accept electronic
14 signatures that comply with the Uniform Electronic Transactions Act, Sections 14-16-1
15 through 14-16-21 NMSA 1978.

16 D. No person shall knowingly make, and no candidate shall knowingly
17 receive, a seed money contribution which is not from the person named on the form or
18 for which the person named on the form has been or will be reimbursed or compensated
19 by another person.

20 E. All seed money contributions received by a candidate shall be deposited
21 in a non-interest-bearing account in a campaign depository to be established by the
22 candidate before soliciting or accepting any such contributions. All expenditures of seed
23 money shall be made from the campaign depository.

24 F. Seed money contributions shall be used only for the purposes specified
25 in paragraph A. of this subsection, and all seed money contributions that have not been

1 spent or used for such purposes by the time the candidate applies for certification as a
2 ~~[participating]~~publicly financed candidate or by the end of the qualifying period, whichever is
3 sooner, shall then be paid over to the city clerk for deposit in the fund; provided, however, that
4 if payment of all of the candidate's unspent seed money to the city clerk would cause the bank
5 account in the campaign depository to be closed, an amount of seed money necessary to keep the
6 account open may be temporarily retained in the account and paid over to the city clerk at a later
7 time in compliance with paragraph C[-] of subsection 9-3.10 SFCC 1987.

8 **Section 14. Section 9-3.7 of SFCC 1987 (being Ord. No. 2009-44, § 8, as amended)**
9 **is amended to read:**

10 **9-3.7 Qualifying contributions.**

11 A. Each qualifying contribution shall be accompanied by a form signed by the
12 contributor, which shall include the contributor's name, registered address and telephone number.
13 The city clerk shall accept electronic signatures that comply with the Uniform Electronic
14 Transactions Act, Sections 14-16-1 through 14-16-21 NMSA 1978.

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

17 C. No person shall knowingly make, and no candidate shall knowingly receive a
18 qualifying contribution ~~[which]~~ that is not from the person named on the form or for which the
19 person named on the form has been or will be reimbursed or compensated by another person.

20 D. All qualifying contributions received by a candidate shall either be deposited in
21 the candidate's [a non interest bearing account in a]campaign depository and then [to be
22 established by the candidate before soliciting or accepting any such contributions and shall
23 be]paid [over] to the city clerk for deposit in the public campaign finance fund or shall be directly
24 deposited in the public campaign finance fund (in the case of certain electronic contributions).
25 ~~[when the candidate applies for certification as a participating candidate or when the qualifying~~

1 ~~period ends, whichever is sooner.]~~

2 **Section 15. Section 9-3.8 of SFCC 1987 (being Ord. No. 2009-44, § 9, as**
3 **amended) is amended to read:**

4 **9-3.8 Application for certification as a [~~participating~~]publicly financed**
5 **candidate.**

6 A. A candidate who wishes to be certified as a [~~participating~~]publicly
7 financed candidate shall, before the end of the qualifying period, file an application for
8 such certification with the city clerk on a form prescribed by the city clerk.

9 B. The application shall identify the candidate and the office that the
10 candidate is seeking[;] and shall set forth the following:

11 (1) The candidate's averment under oath that the candidate satisfies
12 the requisites for qualification and certification as a [~~participating~~]publicly
13 financed candidate prescribed by subsection 9-3.5 SFCC 1987;

14 (2) The candidate's averment under oath that the candidate has
15 accepted no contributions to the candidate's current campaign other than
16 qualifying contributions and seed money contributions solicited and accepted
17 pursuant to subsections 9-3.6 SFCC 1987 and 9-3.7 SFCC 1987;

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

21 (4) The candidate's agreement that his or her current campaign will
22 not solicit, direct, or accept any further contributions or make any further
23 expenditures from any sources other than payments received from the fund
24 pursuant to subsections 9-3.10 and 9-3.13 SFCC 1987 and qualified small
25 contributions received pursuant to subsection 9-3.12 SFCC 1987.

1 C. The application shall be accompanied by:

2 (1) A sworn declaration of candidacy in the form prescribed by Section 1-
3 22-8 NMSA 1978;

4 (2) A certificate of valid nominating petition certifying that the candidate's
5 nominating petition contains the number of signatures specified for the office sought
6 pursuant to Section 4.03 of the Santa Fe Municipal Charter;

7 (3) Reports listing all seed money contributions and qualifying contributions
8 received by the candidate and all expenditures of seed money contributions made by the
9 candidate, and showing the aggregate amounts of all such contributions and expenditures
10 and the aggregate amounts of all contributions received from each contributor;

11 (4) Copies of forms signed by contributors for all seed money contributions
12 and qualifying contributions received by the candidate; and

13 (5) A check or checks issued to the city of Santa Fe from the candidate's
14 campaign depository for the amount of all qualifying contributions received by the
15 candidate and all seed money contributions received by the candidate except:

16 (a) Amounts previously spent for the purposes specified in
17 paragraph A of subsection 9-3.6 SFCC 1987; and

18 (b) The amount, if any, that has been temporarily retained by the
19 candidate for the purpose of keeping open the bank account in the campaign
20 depository pursuant to paragraph E of subsection 9-3.6 SFCC 1987.

21 **Section 16. Section 9-3.9 of SFCC 1987 (being Ord. No. 2009-44, § 10, as**
22 **amended) is amended to read:**

23 **9-3.9 - Certification as a ~~participating~~ publicly financed candidate.**

24 A. On or before the ninety-fifth (95th) day before the election the city clerk shall deliver to

1 the county clerk, pursuant to Section 1-22-3.2(D)(2) NMSA 1978, the candidate's
2 declaration of candidacy and certificate of valid nominating petition, and shall request
3 from the county clerk a determination, pursuant to Section 1-22-3.2(D)(3) NMSA 1978,
4 whether the candidate is qualified to be a candidate.

5 B. On or before the eighty-ninth (89th) day before the election the city clerk shall make a
6 determination whether the candidate's application complies with the requirements of
7 subsection 9-3.8 SFCC 1987 and whether the candidate satisfies the requisites for
8 certification as a ~~participating~~ publicly financed candidate prescribed by subsection 9-
9 3.5 SFCC 1987, and shall thereupon issue a decision, in accordance with the
10 determination so made, granting or refusing such certification to the candidate.

11 C. The city clerk may revoke a candidate's certification as a publicly financed ~~participating~~
12 ~~candidate~~ for any violation by the candidate of the requirements of this section, and may
13 require any candidate whose certification has been revoked to pay over to the city clerk
14 for deposit in the fund any amounts previously paid to the candidate pursuant to
15 subsections 9-3.10 and 9-3.13 SFCC 1987.

16 **Section 17. Section 9-3.10 of SFCC 1987 (being Ord. No. 2009-44, § 11, as**
17 **amended) is amended to read:**

18 **9-3.10 Payments to ~~participating~~ publicly financed candidates.**

19 A. Within three (3) business days of certifying a candidate as a
20 ~~participating~~ publicly financed candidate, the city clerk shall disburse to the candidate
21 from the fund:

22 (1) Sixty thousand dollars (\$60,000.00) for a candidate in a
23 contested race for the office of mayor;

24 (2) Fifteen thousand dollars (\$15,000.00) for a candidate in a
25 contested race for the office of city councilor;

1 (3) Fifteen thousand dollars (\$15,000.00) for a candidate in a contested race
2 for the office of municipal judge; or

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

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

15 C. Within five (5) business days of the candidate's receipt of the amount disbursed
16 under paragraph A of this subsection or the city clerk's refusal to certify the candidate as a
17 ~~[participating]~~ publicly financed candidate pursuant to paragraph A[-] of subsection 9-3.9 SFCC
18 1987, whichever is sooner, the candidate shall pay ~~over to~~ the city clerk for deposit in the fund
19 any amount of seed money that has been temporarily retained by the candidate for the purpose
20 of keeping open the bank account in the campaign depository pursuant to paragraph E[-] of
21 subsection 9-3.6 SFCC 1987.

22 **Section 18. Section 9-3.12 of SFCC 1987 (being Ord. No. 2018-28, § 9, as**
23 **amended) is amended to read:**

24 **9-3.12 Qualified small contributions.**

25 A. A ~~[participating]~~ publicly financed candidate may solicit and accept qualified

1 small contributions beginning on the date on which the candidate is certified as a
2 ~~[participating]~~ publicly financed candidate pursuant to subsection 9-3.9(A) SFCC 1987.

3 B. The aggregate amount of qualified small contributions from any one
4 contributor to any one candidate shall not exceed one hundred dollars (\$100.00

5 C. The aggregate amount of qualified small contributions accepted by a
6 publicly financed ~~[participating]~~ candidate shall not exceed:

7 (1) For a candidate for mayor, fifty percent (50%) of the amount
8 initially paid to the candidate pursuant to subsection 9-3.10 SFCC 1987; and

9 (2) For a candidate for council or municipal judge, twenty-five
10 percent (25%) of the amount initially paid to the candidate pursuant to
11 subsection 9-3.10 SFCC 1987.

12 D. Each qualified small contribution shall be accompanied by a form signed
13 by the contributor, which shall include the contributor's name, home address, telephone
14 number, occupation, and name of employer. The city clerk shall accept electronic
15 signatures and electronic conveyances that comply with the Uniform Electronic
16 Transactions Act, Sections 14-16-1 through 14-16-21 NMSA 1978.

17 E. No person shall knowingly make, and no candidate shall knowingly
18 receive, a qualified small contribution that is not from the person named on the form or
19 for which the person named on the form has been or will be reimbursed or compensated
20 by another person.

21 F. Before soliciting or accepting qualified small contributions, a candidate
22 shall appoint a treasurer and establish a campaign depository in the manner required by
23 subsection 9-2.8 SFCC 1987. All qualified small contributions received by a candidate
24 shall be recorded by the candidate's campaign treasurer, deposited in a separate non-
25 interest-bearing account in the campaign depository and used in the candidate's campaign

1 or disposed of following the election in the manner required by subsection 9-2.9 SFCC 1987. All
2 such contributions shall be timely reported in a campaign finance statement prepared in the
3 manner required by subsections 9-2.10 through 9-2.12 SFCC 1987 and filed on the dates required
4 by subsection 9-2.10 SFCC 1987. Campaign finance statements reporting the receipt of qualified
5 small contributions shall be accompanied by copies of the forms signed by each contributor
6 pursuant to paragraph D[-] of this subsection.

7 **Section 19. Section 9-3.13 of SFCC 1987 (being Ord. No. 2018-28, § 10) is**
8 **amended to read:**

9 **9-3.13 - Additional reports of qualified small contributions; additional matching**
10 **payments from the fund.**

11 A. In addition to filing the campaign finance statements required by subsection 9-
12 3.12(F) SFCC 1987, a [participating] publicly financed candidate may file one additional
13 campaign finance statement reporting the receipt of qualified small contributions on the fifty-
14 seventh (57th) day preceding the election.

15 B. Within two (2) business days after the filing of a campaign finance statement by
16 a [participating] publicly financed candidate reporting the receipt of qualified small contributions
17 and accompanied by copies of the forms signed by the contributors as required by paragraph D[-]
18 of subsection 9-3.12 SFCC 1987, the city clerk shall disburse to the candidate an additional
19 payment from the fund equal to the total amount of the qualified small contributions reported in
20 the campaign finance statement; provided, however, that no such additional matching payments
21 shall be made for contributions reported in a campaign finance statement filed after the twenty-
22 fifth (25th) day preceding the election.

23 C. Additional payments made to a [participating] publicly financed candidate
24 pursuant to paragraph B[-] of this subsection shall be deposited in the separate account in the
25 candidate's campaign depository that was established by the candidate for the deposit of

1 payments received from the fund pursuant to paragraph A[-] of subsection 9-3.11.

2 D. The aggregate amount of additional payments made to a publicly
3 financed [~~participating~~] candidate pursuant to paragraph B. of this subsection shall not
4 exceed:

5 (1) For a candidate for mayor, fifty percent (50%) of the
6 amount initially paid to the candidate pursuant to subsection 9-3.10
7 SFCC 1987; and

8 (2) For a candidate for city council or municipal judge,
9 twenty-five percent (25%) of the amount initially paid to the candidate
10 pursuant to subsection 9-3.10 SFCC 1987.

11 E. If the amounts required to be paid to candidates under paragraph
12 B[-] of this subsection exceed the total amount available in the fund, each
13 payment shall be reduced in proportion to the amount of such excess.

14 **Section 20. Section 9-3.14 of SFCC 1987 (being Ord. No. 2009-44, § 15, as**
15 **amended) is amended to read:**

16 9-3.14 Reports of expenditures; exemption from certain reporting requirements.

17 A. A publicly financed [~~participating~~] candidate shall file with the
18 city clerk reports under oath of expenditures made from the payments received
19 from the fund, indicating that the expenditures were made from that source and
20 showing the date and amount of each such expenditure, the name and address of
21 the person or organization to whom it was made, the purpose of the expenditure,
22 the aggregate amount of such expenditures made to each person or organization
23 and the aggregate amount of all such expenditures made by the candidate or by his
24 or her campaign. A copy of each receipt, printed on 8½-inch by 11-inch paper,
25 shall be filed with the city clerk with the reports provided for in this subsection.

1 Each report shall be accompanied by a copy of the most recent bank statement for the
2 separate account established by the candidate for the deposit of payments from the fund
3 pursuant to paragraph A[-] of subsection 9-3.11 SFCC 1987. Within ninety (90) days after
4 the election, the candidate shall file a copy of a final bank statement showing that all funds
5 in the account have been expended or returned to the city in the manner required by
6 paragraphs A[-] and C[-] of subsection 9-3.11 SFCC 1987 and that the account has been
7 closed.

8 B. The reports required by paragraph A[-] of this subsection shall be filed on
9 each of the days prescribed for the filing of campaign finance statements by subsection 9-
10 2.10 SFCC 1987.

11 C. A campaign finance statement filed by a publicly financed [~~participating~~]
12 candidate to report qualified small contributions pursuant to paragraph F[-] of subsection
13 9-3.12 SFCC 1987 or paragraph A[-] of subsection 9-3.13 SFCC 1987 shall also include a
14 report of all expenditures made during the period covered by the statement from the
15 separate account established by the candidate for the deposit of such contributions pursuant
16 to paragraph F[-] of subsection 9-3.12 SFCC 1987. The statement shall show that the
17 expenditures were made from that source and shall contain all the information concerning
18 the expenditures, account balances, and funds on hand that is required for campaign finance
19 statements filed pursuant to subsection 9-2.11 SFCC 1987.

20 D. Except as provided in paragraphs A[-] through C[-] of this subsection,
21 paragraph C[-] of subsection 9-3.8 SFCC 1987, paragraph F[-] of subsection 9-3.12 SFCC
22 1987, and paragraph A. of subsection 9-3.13 SFCC 1987, [~~participating~~] publicly financed
23 candidates are exempt from the requirement to file campaign finance statements imposed
24 by subsections 9-2.10 SFCC 1987 through 9-2.12 SFCC 1987 and from the requirements
25 to file campaign records with the city clerk imposed by paragraph D[-] of subsection 9-2.9

1 SFCC 1987; provided, however, that campaign records shall be maintained in the
2 manner required by the applicable provisions of the Campaign Code (Section 9-2
3 SFCC 1987) and shall be made available upon request to the city clerk and the
4 ethics and campaign review board.

5 E. Seed money and qualifying contribution reports, campaign
6 finance statements and contribution and expenditure reports of a candidate for
7 municipal judge are not required to be signed or acknowledged by the candidate.

8 **Section 21. Section 9-3.15 of SFCC 1987 (being Ord. No. 2009-44, § 20) is**
9 **amended to read:**

10 **9-3.15 - Contributions and expenditures to retire debt from previous campaigns.**

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

19 **Section 22. Section 9-3.18 of SFCC 1987 (being Ord. No. 2009-44, § 19, as**
20 **amended) is amended to read:**

21 **9-3.18 - Reports and forms.**

22 A. All reports and forms that are required by Section 9-3 SFCC 1987
23 shall be signed under oath and on forms prescribed by the city clerk.

24 B. The city clerk is authorized to reject any incomplete report or
25 form. The city clerk shall notify a [~~participating~~] publicly financed candidate that

1 the report or form is incomplete.

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

4 PASSED, APPROVED, and ADOPTED this _____ day of _____, 2023.

5
6 APPROVED AS TO FORM:

7 
8 _____

9 ERIN K. McSHERRY, CITY ATTORNEY

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Legislation/2023/Bills/Election and Campaign Code Updates