

Santa Fe City Code
Section 9-2 as amended through Ord. No. 2015-23.

9-2 CAMPAIGN CODE.

Editor's Note: Prior ordinance history includes portions of Ordinance Nos. 1976-1, 1981-29, 1987-11, 1987-46, 1989-42, 1995-7.

9-2.1 Title.

This section may be cited as the "Campaign Code." (Ord. #1998-41, §1; Ord. #2005-14, §24)

9-2.2 Purpose and Intent.

It is the public policy of the City of Santa Fe:

A. That public confidence in municipal government is essential and must be promoted by all possible means;

B. That political campaign contributions and expenditures be fully disclosed to the public and that secrecy in the sources and application of such contributions be avoided;

C. That the public's right to know how political campaigns are financed far outweighs any right that this matter remain secret and private; and

D. That the public interest is served by encouraging the widest participation of the public in the electoral process by reducing the dependence of candidates on large contributions. (Ord. #1998-41, §2)

9-2.3 Definitions.

As used in the Campaign Code:

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

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

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

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

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

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

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

(1) Announce publicly;

(2) File for office;

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

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

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

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

(1) The term "contribution" includes:

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

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

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

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

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

(f) A coordinated expenditure.

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

J. *Contributor* means:

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

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

K. *Coordinated expenditure* means an expenditure made:

(1) by an individual or entity other than a candidate or the candidate's political committee; and

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

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

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

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

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

(e) an expenditure is not a coordinated expenditure solely because:

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

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

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

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

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

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

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

(Ord. #1998-41, §3; Ord. #2005-14, §25; Ord. #2007-11, §5; Ord. #2009-10, §2; Ord. #2013-28, §1; Ord. #2014-2, §1; Ord. #2014-12, §3; Ord. #2015-23, §1)

9-2.4 Familiarity with Campaign Code.

A. Each potential candidate obtaining a form for the declaration of candidacy from the city clerk's office as required by Section 3-8-27 NMSA 1978 shall acknowledge in writing receipt and familiarity with the provisions of the Campaign Code and agree to abide by the code's requirements without waiving any legal rights to challenge.

B. Refusal to sign said acknowledgement shall not preclude a potential candidate from seeking office, but failure to do so will be made public information.
(Ord. #2005-14, §27)

9-2.5 Identification of Campaign Material.

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

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

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

D. Written, printed or posted materials shall also show a telephone contact number. (Ord. #1998-41, §4; Ord. #2005-14, §28; Ord. #2007-11, §6; Ord. #2009-10, §3; Ord. #2013-28, §2; Ord. #2015-23, §2)

9-2.6 Independently Sponsored Campaign Communications and Reporting.

A. Any person or entity that makes expenditures of two hundred fifty dollars (\$250.) or more in the aggregate during a single election to pay for any form of public communication including print, broadcast, cable or electronic advertising, billboards, signs, pamphlets, mass mailers, mass electronic mail, recorded phone messages, organized phone-banking or organized precinct-walking, that is disseminated to one hundred (100) or more eligible voters, and that either expressly advocates the election or defeat of a candidate, or the approval or defeat of a ballot proposition; or refers to a clearly identifiable candidate or ballot proposition within sixty (60) days before an election at which the candidate or proposition is on the ballot, shall thereafter, on each of the days prescribed for the filing of campaign finance statements, file with the city clerk a report of all such expenditures made and all contributions received for the purpose of paying for such expenditures on or before the date of the report and which have not been previously reported. Each report shall be submitted on a form prescribed by the city clerk. Contributions shall be specified by date, amount of contribution, name, address and occupation of the person or entity from whom the contribution was made. No contribution shall be reported in the name of a person who is not the actual contributor or who has been or will be reimbursed or compensated for the contribution by another person. The president, chief executive officer or equivalent position shall certify on the filing that its expenditures were or were not made in cooperation, consultation or concert with, or at the request or suggestion of, a candidate, his/her representatives or agents or the candidate's political committee. Expenditures shall be specified by date, the amount of the expenditure, the name and address of the person or entity where an expenditure was made and the purpose of the expenditure. No report is required under this subsection for expenditures made exclusively for communications to the news media, editorials, reports or commentary by the news media, impartial candidate forums or debates or the announcements thereof, or for impartial voter guides allowed by the Internal Revenue Code for Section 501(c)(3) organizations or a communication by a membership organization or corporation to its current members, stockholders or executive or administrative personnel unless the membership organization or corporation is a campaign committee or a political committee.

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

C. Contributions shall be specified by date, amount of contribution, name, address and occupation of the person or entity from whom the contribution was made. The name of the president, chief executive officer or equivalent position and the address of the entity shall be stated in the report.

D. Expenditures shall be specified by date, the amount of the expenditure, the name and address of the person or entity where an expenditure was made and the purpose of the expenditure. The name of the president, chief executive officer or equivalent position and the address of the entity shall be stated in the report.

(Ord. #2005-14, §29; Ord. #2007-11, §7; Ord. #2013-28, §3; Ord. #2015-23, §3)

9-2.7 Statement of Political Committee Organization.

A. Every political committee shall file a statement of organization with the city clerk within ten (10) days of the earlier of the following, but in no event later than the date on which a political committee contracts for or initiates the dissemination of any campaign materials:

(1) Its organization; or

(2) The date on which it receives or has information which causes it to anticipate that it will receive contributions or will make expenditures in any election campaign.

B. The statement of organization shall include but not be limited to:

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

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

(3) The names, addresses and titles of its officers; or if it has no officers, the names, addresses and titles of its responsible leaders;

(4) The full names, addresses and telephone number (home and business) of its campaign treasurer and campaign depository;

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

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

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

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

(Ord. #1998-41, §5; Ord. #2005-14, §30; Ord. #2007-11, §8; Ord. #2009-10, §4)

9-2.8 Appointment of Campaign Treasurer or Deputy Campaign Treasurer and Designation of Depository by Candidate.

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

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

(2) The campaign depository.

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

C. A candidate or political committee may at any time remove a campaign treasurer or deputy campaign treasurer or change a designated campaign depository. In the event of the death, resignation, removal, or change of a campaign treasurer, deputy campaign treasurer, or depository, the candidate or political committee shall designate and file with the city clerk within ten (10) days after such designation, the name and address of any successor.

D. No contribution and no expenditure shall be accepted or made by or on behalf of a candidate or political committee unless there is a depository and either a campaign treasurer or deputy campaign treasurer in office. A candidate is deemed to be their own campaign treasurer or deputy campaign treasurer until or unless they appoint another person to that office. No expenditure shall be made by or on behalf of a candidate or political committee without the authorization of the treasurer or deputy campaign treasurer.

(Ord. #1998-41, §6; Ord. #2005-14, §31; Ord. #2007-11, §9)

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

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

B. The campaign treasurer or deputy campaign treasurer shall maintain:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Expenditures of the campaign;

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

(c) Donations to charities; or

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

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

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

(Ord. #1998-41, §7; Ord. #2005-14, §32; Ord. #2007-11, §10; Ord. #2009-10, §5; Ord. #2009-43, §1; Ord. #2013-28, §4; Ord. #2013-31 §1; Ord. #2015-23, §4)

9-2.10 Campaign Finance Statement Required.

A. In addition to any statement of organization required pursuant to subsection 9-2.7A SFCC 1987, each candidate or political committee and their respective campaign treasurer or deputy campaign treasurer shall file a campaign finance statement of all contributions received and expenditures made to date which report shall be current as of the day immediately preceding the reporting date. Contributions shall be reported as of the date of receipt of cash, checks, pledges, commitments for in-kind contributions, promissory notes or other money

instruments regardless of the date of actual cashing or deposit. The report shall be submitted on a form prescribed by the city clerk, and shall be filed during the following periods:

- (1) By 5:00 p.m. on the fortieth day preceding an election in which the candidate is seeking election to an office or in connection with which the political committee has received contributions or made expenditures;
- (2) By 5:00 p.m. on the twenty-fifth day preceding such election;
- (3) By 5:00 p.m. on the Tuesday preceding such election;
- (4) By 12:00 noon on the Monday preceding such election;
- (5) Within two (2) weeks following such election; and
- (6) As required in subsection 9-2.10B SFCC 1987 below.

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

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

D. Campaign finance statements shall be filed with the city clerk during regular business hours.

E. The city clerk is authorized to reject any incomplete campaign finance statements. The city clerk shall notify the candidate or political committee that the campaign finance statement is incomplete.

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

G. The city clerk shall assess a fine of one hundred dollars (\$100.) for unexcused late filing of campaign finance statements.
(Ord. #1998-41, §8; Ord. #2005-14, §33; Ord. #2007-11, §11; Ord. #2009-10, §6)

9-2.11 Campaign Finance Statement; Contents.

A. Each campaign finance statement shall be filed in accordance with subsection 9-2.10 SFCC 1987. The initial statement shall begin with the date of the first contribution or

expenditure. Subsequent statements shall begin on the day after the end date of the previous reporting period. Statements shall contain the following information:

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

(2) The full name, home address, occupation, name of employer, date of receipt and amount of each contribution received from each individual contributor from whom a contribution in money, goods, materials, services, facilities or anything of value has been received and whether the contribution was received in cash, by check, by credit card, by electronic transfer or otherwise. No contribution shall be reported in the name of a person who is not the actual contributor, or who has been or will be reimbursed or compensated for the contribution by another person.

(3) The full name, type of business, physical address, date of receipt and amount of each contribution for each business or organizational contributor, from whom a contribution in money, goods, materials, services, facilities or anything of value has been received, and whether the contribution was received in cash, by check, by credit card, by electronic transfer or otherwise. No contribution shall be reported in the name of a person who is not the actual contributor, or who has been or will be reimbursed or compensated for the contribution by another person.

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

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

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

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

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

B. Loans of money, property or other things made to a candidate or political committee during the period covered by the campaign finance statement shall be reported separately in the statement, with the following information:

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

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

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

(4) The total amount of loans remaining unpaid.

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

D. Investments made with campaign funds under subsection 9-2.9 SFCC 1987 and interest, dividends and/or other income received shall be reported separately in the statement. (Ord. #1998-41, §10; Ord. #2005-14, §34; Ord. #2007-11, §12; Ord. #2009-10, §7; Ord. #2013-28, §5; Ord. #2013-31 §2; Ord. #2014-12, §4; Ord. #2015-23, §5)

9-2.12 Campaign Finance Statement; Signing.

Each campaign finance statement shall be signed under oath and acknowledged by both the campaign treasurer or deputy campaign treasurer and the candidate and shall contain a statement that:

A. The campaign finance statement has been prepared with all reasonable diligence and that it is true and complete; however, the campaign finance statement of a candidate for municipal judge is not required to be signed or acknowledged by the candidate.

B. A candidate or political committee that receives contributions from another entity that does not have to disclose its contributors to the city clerk, shall indicate as such on the campaign finance statement submitted to the city clerk pursuant to existing reporting requirements.

(Ord. #1998-41, §11; Ord. #2005-14, §35; Ord. #2013-28, §6; Ord. #2015-23, §6)

9-2.13 Campaign Finance Statement; Filing.

A. A candidate or political committee is not required to file a campaign finance statement if neither the contributions received nor the expenditures made on behalf of the campaign exceeds five hundred dollars (\$500.).

B. However, at each of the intervals in which a campaign finance statement is required to be filed, such a candidate or political committee shall file with the city clerk a written declaration under oath to the effect that neither the campaign contributions nor the expenditures of the candidate or political committee have exceeded five hundred dollars (\$500.).

C. If contributions received or expenditures made thereafter exceed a sum total of five hundred dollars (\$500.), including contributions received or expenditures made prior to the twentieth day before the election, the candidate or political committee shall file campaign finance statements as required by subsection 9-2.10 SFCC 1987 of the Campaign Code.

D. The city clerk shall encourage electronic filing and require posting of all documents generated pursuant to the Campaign Code in an accessible and searchable format to inform and educate the electorate. Such documents include:

(1) Statements of organization of candidates and political committees; and

(2) Campaign finance statements or other required disclosures.

(Ord. #1998-41, §12; Ord. #2005-14, §36; Ord. #2007-11, §13)

9-2.14 Spending Limitations; Contribution Amounts.

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

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

C. No candidate for council or municipal judge or the candidate's political committee shall accept contributions from any one individual, entity or organization which in the aggregate exceed one thousand dollars (\$1000.) in any one election.

D. No candidate for mayor or the candidate's political committee shall accept contributions from any one individual, entity or organization which in the aggregate exceed two thousand five hundred dollars (\$2,500.) in any one election.

E. Contributions from any one individual, entity or organization to any elected official or his or her election campaign, which in the aggregate exceed two hundred fifty dollars (\$250) during the two (2) years preceding any official act of the elected official affecting the financial interest of the contributor, are subject to the conflict-of-interest provisions of subsections 1-7.5 and 1-7.7M SFCC 1987.

(Ord. #1998-41, §13; Ord. #2005-14, §37; Ord. #2009-10, §8; Ord. #2009-43, §1; Ord. #2014-12, §2)

9-2.15 Temporary Political Signs.

The following requirements shall apply for political campaign signs:

- A. No building permit is required.
- B. Signs shall not be located on or overhang onto public property, including but not limited to, rights-of-way. Signs placed on a curb strip in front of a private residence, with the permission of the owner, are exempt from this section.
- C. Each candidate shall designate a liaison contact as responsible for the lawful placement and location of political campaign signs. The contact's name and telephone number shall be filed with the city clerk, and shall legibly appear on every political campaign sign. A candidate may be a liaison contact.
- D. Political campaign signs may be located only on private property, with the consent of the property owner, who may remove any sign placed on such owner's property without permission.
- E. The city manager shall request candidate liaison contacts to remove their own candidates' unlawful signs within twenty-four (24) hours and upon their failure to do so shall impose a fine of fifty dollars (\$50.00) per sign per day.
- F. If not removed as directed in paragraph E. above, the city manager shall direct city staff to remove those signs placed on public property or rights-of-way in violation of this section, including the towing of vehicles displaying political campaign signs illegally parked on city property.
- G. No sign shall exceed thirty-two (32) square feet.
- H. All political signs shall be removed within five (5) days after the election.
(Ord. #2005-14, §38; Ord. #2007-11, §14; Ord. #2007-21, § 2)

9-2.16 Enforcement.

The Campaign Code shall be enforced by the ethics and campaign review board pursuant to the provisions of Section 6-16 SFCC 1987. (Ord. #1998-41, §14; Ord. #2005-14, §40)

9-2.17 Effective Date.

The effective date of this section shall be ten (10) days after passage and shall only be applied prospectively. (Ord. #1998-41, §15; Ord. #2005-14, §41)

9-2.18 Severability.

The requirements and provisions of this section and their parts, subparts and clauses are severable. In the event that any requirement, provision, part, subpart or clause of this section, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the governing body that the remainder of the section be enforced to the maximum extent possible consistent with the governing body's purpose of this Campaign Code. (Ord. #2005-14, §42)

9-3 PUBLIC CAMPAIGN FINANCE CODE.

9-3.1 Short Title.

Section 9-3 SFCC 1987 may be cited as the Public Campaign Finance Code. (Ord. #2009-44, §2; Ord. #2011-28, §6)

9-3.2 Findings and Purposes.

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

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

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

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

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

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

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

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

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

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

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

(5) To free officeholders from the need to raise campaign money, and thus to allow them more time to carry out their official duties.
(Ord. #2009-44, §3; Ord. #2011-28, §7)

9-3.3 Definitions.

As used in this section, the following terms have the following meanings:

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

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

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

(1) Announce publicly;

(2) File for office;

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

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

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

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

- (1) The term "contribution" includes:
 - (a) The transfer of funds or anything of value between political committees;
 - (b) The transfer of anything of value for less than full consideration;
 - (c) Interest, dividends or other income derived from the investment of campaign funds;
 - (d) The payment for the services of an individual serving on behalf of a candidate or political committee, which payments are made by a third party;
 - (e) The purchase of tickets for fundraising events such as dinners, rallies, raffles, etc. and the proceeds of collections at fundraising events; and
 - (f) A coordinated expenditure.

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

F. *Coordinated expenditure* means an expenditure that is made:

(1) by an individual or entity other than a candidate or the candidate's political committee; and

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

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

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

(c) the candidate, candidate's political committee or his/her representatives or agents has solicited funds or engaged in other fundraising activities on behalf of the person or entity making the expenditure during the twelve-month (12) period preceding the date of the expenditure. Fundraising activities, include but are not limited to, exchanging names of potential donors or

other lists to be used in engaging in fundraising activity, regardless of whether or not the individual or entity pays fair market value for the names or lists provided; or being a featured guest or speaker at a fundraising event for the benefit of the entity making the expenditures;

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

(e) an expenditure is not a coordinated expenditure solely because:

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

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

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

H. *Expenditure* means a payment or transfer of anything of value in exchange for goods, services, property, facilities or anything of value for the purpose of supporting or

opposing the election of a candidate or the approval or defeat of a ballot proposition. This includes contributions, subscriptions, distributions, loans, advances, deposits, or gifts of money or anything of value, and includes a contract, a promise or agreement, whether or not legally enforceable, to make an expenditure. The term "expenditure" also means the transfer of funds or anything of value between political committees.

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

J. *Non-participating candidate* means a candidate who is not a participating candidate.

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

L. *Qualified elector* means a person who is registered to vote in the City of Santa Fe.

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

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

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

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

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

(Ord. #2009-44, §4; Ord. #2011-28, §8; Ord. #2013-28, §7; Ord. #2014-2 §2; Ord. #2015-22, § 1)

9-3.4 Public Campaign Finance Fund.

A. A dedicated public campaign finance fund ("the fund") is established to be administered by the municipal clerk for the purpose of providing public financing for the election campaigns of participating candidates. Monies in the fund and disbursed from the fund to

participating candidates are public monies entrusted to the candidates to be used solely for the public purposes specified in this Section 9-3 SFCC 1987.

B. Beginning with the city budget for fiscal year 2009-2010 and in each fiscal year thereafter, the sum of one hundred fifty thousand dollars (\$150,000.) shall be budgeted for and deposited in the fund.

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

(1) That the balance in the fund one hundred nineteen (119) days preceding each election for mayor and four (4) council seats is at least six hundred thousand dollars (\$600,000.); and

(2) That the balance in the fund one hundred nineteen (119) days preceding each election for municipal judge and four (4) council seats is at least three hundred thousand dollars (\$300,000.).

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

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

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

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

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

(5) Voluntary donations made to the fund;

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

(7) Such other appropriations to the fund as may be made by the governing body as necessary to fulfill the requirements of this Section 9-3 SFCC 1987. (Ord. #2009-44, §5; Ord. #2011-28, §9)

9-3.5 Eligibility as a Participating Candidate.

Beginning with the election of 2012, any candidate for municipal office may qualify as a participating candidate eligible to receive payments from the fund pursuant to subsection 9-3.10 SFCC 1987 if the candidate:

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

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

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

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

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

C. Submits an application for certification pursuant to subsection 9-3.8 SFCC 1987 setting forth the agreement and the averments and accompanied by the forms, reports and payments that are required by that section.
(Ord. #2009-44, §6; Ord. #2011-28, §11)

9-3.6 Seed Money Contributions.

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

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

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

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

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

the municipal clerk for deposit in the fund; provided, however, that if payment of all of the candidate's unspent seed money to the municipal clerk would cause the bank account in the campaign depository to be closed, an amount of seed money necessary to keep the account open may be temporarily retained in the account and paid over to the municipal clerk at a later time in compliance with paragraph C of subsection 9-3.10 SFCC 1987.

(Ord. #2009-44, §7; Ord. #2011-28, §11; Ord. #2013-28, §8)

9-3.7 Qualifying Contributions.

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

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

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

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

(Ord. #2009-44, §8; Ord. #2011-28, §12; Ord. #2013-28, §9)

9-3.8 Application for Certification as a Participating Candidate.

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

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

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

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

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

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

C. The application shall be accompanied by:

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

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

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

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

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

(Ord. #2009-44, §9; Ord. #2011-28, §13; Ord. #2013-28, §10)

9-3.9 Certification as a Participating Candidate.

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

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

(Ord. #2009-44, §10; Ord. #2011-28, §14)

9-3.10 Payments to Participating Candidates.

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

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

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

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

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

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

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

(Ord. #2009-44, §11; Ord. #2011-28, §15; Ord. #2013-28, §11)

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

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

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

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

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

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

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

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

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

C. All payments from the fund received by a participating candidate which have not been spent or obligated for the purposes specified in paragraph A of this subsection and any electronic, telecommunication or computer tangible assets purchased with such payments remaining in the possession of the campaign as of the date of the election shall be returned by the candidate and shall be conveyed to the municipal clerk within forty-five (45) days after that date. Returned payments shall be deposited in the fund. Tangible assets shall be conveyed to the city for its use or disposition in accordance with the city's procurement code. Proceeds from such disposition shall be deposited in the fund.

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

(Ord. #2009-44, §12; Ord. #2011-28, §16; Ord. #2013-28, §12; Ord. #2015-22, §2)

9-3.12 Reserved.

(Former subsection 9-3.12, Reports of Expenditures by Non-Participating Candidates and Other Persons, previously codified herein and containing portions of Ordinance No. 2009-44, was repealed in its entirety by Ordinance No. 2011-28, §17.)

9-3.13 Reserved.

(Former subsection 9-3.13, Additional Matching Payments to Participating Candidates, previously codified herein and containing portions of Ordinance No. 2009-44, was repealed in its entirety by Ordinance No. 2011-28, §18.)

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

A. A participating candidate shall file with the municipal clerk reports under oath of expenditures made from the payments received from the fund, showing the date and amount of each expenditure, the name and address of the person or organization to whom it was made, the purpose of the expenditure, the aggregate amount of expenditures made to each person or organization and the aggregate amount of all expenditures made by the candidate or by his or her campaign. A copy of each receipt, printed on 8 ½" by 11" paper, shall be filed with the municipal clerk with the reports provided for in this subsection.

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

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

D. A seed money and qualifying contribution report and an expenditure report of a candidate for municipal judge are not required to be signed or acknowledged by the candidate. (Ord. #2009-44, §15; Ord. #2011-28, §19; Ord. #2013-28, §13; Ord. #2013-31 §3; Ord. #2015-22, §3)

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

Notwithstanding any other provision of this section, a candidate shall not be considered ineligible for certification as a participating candidate and shall not be deemed to have violated the provisions of paragraph D of subsection 9-3.11 SFCC 1987 solely by reason of contributions received or expenditures made to retire debt incurred in the course of a previous campaign in which the candidate was not a participating candidate, provided that any such contribution or expenditure has been made and duly reported in full compliance with the requirements of the Campaign Code (Article 9-2 SFCC 1987). (Ord. #2009-44, §16; Ord. #2011-28, §20)

9-3.16 Rules and Educational Materials.

The municipal clerk and the ethics and campaign review board may adopt and publish rules and educational materials explaining and applying the provisions of this section. (Ord. #2009-44, §17; Ord. #2011-28, §21)

9-3.17 Enforcement and Review.

This section shall be enforced by the ethics and campaign review board pursuant to the provisions of Section 6-16 SFCC 1987. Any decision of the municipal clerk under this section is reviewable by the ethics and campaign review board on petition of an aggrieved party. This provision shall not be construed to prevent the enforcement of any otherwise applicable state criminal or civil statutes, laws or municipal ordinances. (Ord. #2009-44, §18; Ord. #2011-28, §22)

9-3.18 Reports and Forms.

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

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

C. The municipal clerk shall assess a fine of one hundred dollars (\$100.00) for unexcused late filing of reports or forms. (Ord. #2009-44, §19; Ord. #2011-28, §23)

9-3.19 Severability.

The provisions of this section and each of its subsections, paragraphs, subparagraphs, sentences and clauses are severable. In the event that any such provision is held to be invalid or unenforceable by any judicial or administrative tribunal, it is the intent of the governing body that all other provisions thereof shall remain in full force and effect. (Ord. #2009-44, §20; Ord. #2011-28, §24)