



1 **“PART 1: COORDINATION BETWEEN CANDIDATES AND/OR THEIR CAMPAIGNS**  
2 **AND INDEPENDENT EXPENDITURE GROUPS OR INDIVIDUALS”**

3 *[Note: To be placed into the definition sections of both the Campaign Code and Public Campaign*  
4 *Finance Code]*

5  
6 *Contribution* means a loan, loan guarantee, gift, advance, pledge, contract, agreement or promise of  
7 money or anything of value or other obligation, whether or not these items are legally enforceable,  
8 made directly or indirectly, to a candidate or political committee or to a person obligated to file a  
9 report under section 9-2.6 SFCC 1987, for the purpose of [influencing the outcome of a municipal  
10 election] supporting or opposing the election of a candidate or the passage of a ballot proposition.

11 (1) The term "contribution" includes:

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

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

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

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

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

21 (f) Coordinated expenditure. ~~An expenditure by a person other than a~~  
22 ~~candidate or the candidate's political committee that is made in cooperation,~~  
23 ~~consultation or concert with, or at the request or suggestion of, a candidate or the~~  
24 ~~candidate's political committee.~~

1 *Expenditure* means a payment or transfer of anything of value in exchange for goods, services,  
2 property, facilities or anything of value for the purpose of ~~[assisting, benefiting or honoring any~~  
3 ~~public official or candidate, or assisting in furthering or opposing any election campaign for]~~  
4 supporting or opposing the election of a candidate or the passage of a ballot proposition. This includes  
5 contributions, subscriptions, distributions, loans, advances, deposits, or gifts of money or anything of  
6 value, and includes a contract, a promise or agreement, whether or not legally enforceable, to make an  
7 expenditure. The term "expenditure" also means the transfer of funds or anything of value between  
8 political committees. ~~[In determining the dollar value of an expenditure, only that proportion of a~~  
9 ~~payment or transfer of anything of value that is directly related to the campaign shall be considered an~~  
10 ~~expenditure.]~~

11  
12 *Coordinated Expenditure* means:

13 (1) an expenditure;

14 ~~(a) that supports or opposes a candidate, or that is susceptible to no other~~  
15 ~~reasonable interpretation than as an appeal to support or oppose a candidate,~~  
16 ~~or an expenditure that refers to a candidate;~~

17 ~~(b) that can reasonably be expected to be seen or heard by at least one~~  
18 ~~hundred persons eligible to vote for the candidate; and~~

19 ~~(c) that is made within eighty-nine days, or the date provided in Section 9-~~  
20 ~~3.9, whichever is later, before the municipal election;~~

21 (2) that is made by an individual or entity other than a candidate or the candidate's  
22 political committee; and

23 (3) that is made in cooperation, consultation or concert with, or at the request or  
24 suggestion of, a candidate, his/her representatives or agents or the candidate's  
25 political committee, including but not limited to, the following examples in 9-

1 2.3(K)(3)(a)-(e):~~(i)-(v)~~

2 (a) An expenditure shall be presumed to be "coordinated expenditure" when:

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

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

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

21 (d) if the individual or entity disseminates, distributes or republishes an  
22 advertisement that contains, in whole or in part, any broadcast or any  
23 written, graphic, or other form of campaign material prepared by the

1 candidate, candidate's political committee or his/her representatives or  
2 agents; [FOR DISCUSSION]

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

12 (b) An expenditure shall not be presumed to be is not a coordinated  
13 expenditure solely because:

14 (i) the individual or entity and a candidate or candidate's  
15 political committee use the same vendor to provide polling  
16 services, printing or distribution services or physical space,  
17 provided that the vendor has in place prior to the  
18 expenditure a firewall to ensure insure that there is no  
19 exchange of information between the individual or entity  
20 and the candidate or campaign committee. Evidence of an  
21 adequate firewall is a vendor's formal written policy  
22 prohibiting the exchange of information between the  
23 individual or entity and the candidate or candidate's  
24 political committee, which policy is distributed to all

1                    relevant employees, consultants and clients affected by the  
2                    policy. The firewall shall be designed and implemented to  
3                    prohibit the flow of information between employees and  
4                    consultants providing services to the individual and entity  
5                    and to those currently or previously providing services to  
6                    the candidate or candidate's political committee.  
7                    Coordination will be presumed in the absence of such a  
8                    firewall.

9                    (c) An expenditure shall not be presumed to be is not a coordinated  
10                    expenditure solely because the individual or entity making the  
11                    expenditure:

- 12                    (i)    interviews a candidate;  
13                    (ii)   has endorsed a candidate;  
14                    (iii)  has obtained from the candidate a biography of the  
15                    candidate or a position paper, press release, or  
16                    similar material about the candidate;  
17                    (iv)  has invited the candidate to make an appearance  
18                    before the person's members, employees or  
19                    shareholders;  
20                    (v)   has shared space with a candidate or candidate's  
21                    political committee for single events of limited  
22                    duration.

23                    (d) The Ethics and Campaign Review Board shall establish procedural rules  
24                    defining how citizens and entities may file or respond to complaints

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~~which involve these above cited presumptions and any necessary~~

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~~required evidentiary matters.~~

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1 **Discussion]** impartial candidate forums or debates or the announcements thereof, or for impartial  
2 voter guides allowed by the Internal Revenue Code for Section 501(c)(3) organizations or a  
3 communication by a membership organization or corporation to its current members, stockholders or  
4 executive or administrative personnel unless the membership organization or corporation is a  
5 campaign committee or a political committee;

6  
7 B. Any person who transfers money to another person or persons in an aggregate amount  
8 of two hundred fifty dollars (\$250) or more during a single election with the knowledge, expectation  
9 or understanding that the money will be paid over to a candidate, political committee or person  
10 obligated to file a report under subsection (A) of this section, and will be used to make expenditures  
11 supporting or opposing the election of a candidate or the passage of a ballot proposition, shall report  
12 each such transfer to the city clerk. Reports of such transfers shall be filed on each of the days  
13 prescribed for the filing of campaign finance statements by political committees, and shall include all  
14 such transfers made by the person filing the report on or before the date of the report and not  
15 previously reported. Each report shall state the name of the person who made the transfer or transfers  
16 and the amount, date and recipient of each such transfer. No report of a transfer is required under this  
17 subsection if the candidate, political committee or other person to whom the money was paid over has  
18 a duty to report the name of the person making the transfer and the amount, date and recipient of the  
19 transfer under subsection (A) of this section or under another section of the Campaign Code or the  
20 Public Campaign Finance Code.

21 [Alternate to Paragraph B: For Discussion Purposes]. Any entity, which has to file under  
22 Section 9-2.6 and receives contributions from another entity that does not have to disclose its  
23 contributors to the City Clerk, shall place the following visible disclosure on its campaign materials:  
24 "This campaign material is supported in part by donations from an organization that is not required to  
25 disclose its contributors to the Santa Fe City Clerk."

- 1 C. Contributions shall be specified by date, amount of contribution, name, address and occupation of  
2 the person or entity from whom the contribution was made. The name of the president, chief  
3 executive officer or equivalent position and the address of the entity shall be stated in the report. The  
4 entity must provide the name of its president or chief executive officer.
- 5 D. Expenditures shall be specified by date, the amount of the expenditure, the name and address of  
6 the person or entity where an expenditure was made and the purpose of the expenditure. The name  
7 of the president, chief executive officer or equivalent position and the address of the entity shall be  
8 stated in the report. The entity must provide the name of its president or chief executive officer.
- 9 E. The president, chief executive officer or equivalent position shall certify on the filing that its  
10 expenditures were not made in cooperation, consultation or concert with, or at the request or  
11 suggestion of, a candidate, his/her representatives or agents or the candidate's political committee.

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2           **PART 3. GETTING RID OF SEED MONEY AND QUALIFYING**  
3           **CONTRIBUTIONS AND REPLACING IT WITH \$100 QUALIFIED SMALL**  
4           **CONTRIBUTION SYSTEM**

5           **9-3.3 Definitions**

6           L. Qualified small contribution means a contribution of no more than one hundred  
7 dollars (\$100) made and accepted in compliance with the provisions of subsection 9-3.6 SFCC 1987.

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

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

17           ~~[N.]~~ M. Race means the electoral process in which one (1) or more candidates run and  
18 one (1) candidate is elected to the office of mayor, municipal judge or city councilor for a particular  
19 district.

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

23           [Remaining sections shall be re-lettered accordingly.]

24           **9-3.4 Public Campaign Finance Fund.**

25           A. A dedicated public campaign finance fund ("the fund") is established to be

1 administered by the municipal clerk for the purpose of providing public financing for the election  
2 campaigns of participating candidates. Monies in the fund and disbursed from the fund to  
3 participating candidates are public monies entrusted to the candidates to be used solely for the public  
4 purposes specified in this Section 9-3 SFCC 1987.

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

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

10 (1) That the balance in the fund one hundred nineteen (119) days preceding each  
11 election for mayor and four (4) council seats is at least six hundred thousand dollars  
12 (\$600,000.); and

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

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

18 ~~[(1) — All seed money contributions received by candidates seeking to become~~  
19 ~~certified as participating candidates which remain unspent;]~~

20 ~~[(2) — All qualifying contributions received by candidates seeking to become~~  
21 ~~certified as participating candidates;]~~

22 ~~[(3)]~~ (1) All amounts paid from the fund to participating candidates which  
23 have not been spent or obligated as of the date of the election;

24 ~~[(4)]~~ (2) All fines levied by the ethics and campaign review board or as  
25 decreed by a court of competent jurisdiction as a condition of probation;

1                   ~~[(5)]~~ (3)     Voluntary donations made to the fund;

2                   ~~[(6)]~~ (4)     All interest and other income earned from investment of the fund; and

3                   ~~[(7)]~~ (5)     Such other appropriations to the fund as may be made by the  
4 governing body as necessary to fulfill the requirements of this Section 9-3 SFCC 1987.

5                   **9-3.5 Eligibility as a Participating Candidate.**

6                   ~~Beginning with the election of 2012,~~ Any candidate for municipal office may qualify as a  
7 participating candidate eligible to receive payments from the fund pursuant to subsections 9-3.10 and  
8 9-3.12 SFCC 1987 if the candidate:

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

12                  B.       Has collected ~~[the requisite number of qualifying contributions, as follows]:~~

13                   (1)       For a candidate running for the office of mayor, six hundred (600) qualified  
14 small contributions of no less than five dollars (\$5.00) ~~[qualifying contributions]~~ from  
15 separate qualified electors;

16                   (2)       For a candidate running for the office of city councilor, one hundred fifty  
17 (150) qualified small contributions of no less than five dollars (\$5.00) ~~[qualifying~~  
18 ~~contributions]~~ from separate qualified electors registered to vote in the council district in  
19 which the candidate is running;

20                   (3)       For a candidate running for the office of municipal judge, one hundred fifty  
21 (150) qualified small contributions of no less than five dollars (\$5.00) ~~[qualifying~~  
22 ~~contributions]~~ from separate qualified electors.

23                   **9-3.6 ~~[Seed Money.]~~ Qualified Small Contributions.**

24                   A.       A participating candidate or a candidate seeking to become a participating candidate  
25 may solicit and accept ~~[seed money contributions to defray expenses incurred in obtaining qualifying~~

1 ~~contributions and in seeking certification as a participating candidate]~~ qualified small contributions.

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

7 C. Each ~~[seed money]~~ qualified small contribution shall be accompanied by a form signed  
8 by the contributor, which shall include the contributor's name, home address, telephone number,  
9 occupation and name of employer. The Ethics and Campaign Review Board may, by regulation,  
10 permit the use of an electronic signature on such forms.

11 D. No person shall knowingly make and no candidate shall knowingly receive a  
12 qualified small contribution which is not from the person named on the form or for which the person  
13 named on the form has been or will be reimbursed or compensated by another person.

14 ~~[D.]~~ E. ~~[All seed money contributions received by a candidate shall be deposited in a non-~~  
15 ~~interest-bearing account in a campaign depository to be established by the candidate before soliciting~~  
16 ~~or accepting any such contributions. All expenditures of seed money qualified small contributions~~  
17 ~~shall be made from the campaign depository.]~~ Before soliciting or accepting qualified small  
18 contributions, a candidate shall appoint a treasurer and establish a campaign depository in the manner  
19 required by subsection 9-2.8 SFCC 1987. All qualified small contributions received by a candidate  
20 shall be recorded by the candidate's campaign treasurer, deposited in a separate non-interest-bearing  
21 account in the campaign depository and used in the candidate's campaign or disposed of following  
22 the election in the manner required by subsection 9-2.9 SFCC 1987. All such contributions shall be  
23 timely reported in a campaign finance statement prepared in the manner and filed on the dates  
24 required by subsections 9-2.10 through 9-2.12 SFCC 1987. Campaign finance statements reporting  
25 the receipt of qualified small contributions shall be accompanied by copies of the forms signed by

1 each contributor pursuant to paragraph C of this subsection.

2 **Section 9-3.7 is repealed.**

3 **9-3.8 Application for Certification as a Participating Candidate.**

4 A. A candidate who wishes to be certified as a participating candidate shall, on or before  
5 the 106<sup>th</sup> day preceding the election [~~before the end of the qualifying period~~], file an application for  
6 such certification with the municipal clerk on a form prescribed by the municipal clerk.

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

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

12 (2) The candidate's averment under oath that the candidate has accepted no  
13 contributions to the candidate's current campaign other than [~~qualifying contributions and~~  
14 ~~seed money~~] qualified small contributions solicited and accepted pursuant to subsection[s] 9-  
15 3.6 SFCC 1987 [~~and 9-3.7 SFCC 1987~~];

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

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

23 C. The application shall be accompanied by:

24 (1) Reports listing all [~~seed money contributions and qualifying contributions~~]  
25 qualified small contributions received by the candidate [~~and all expenditures of seed money~~

1 ~~contributions made by the candidate,]~~ and showing the aggregate amounts of all such  
2 contributions [~~and expenditures and the aggregate amounts of all contributions received from~~  
3 ~~each contributor]; and~~

4 (2) Copies of forms signed by contributors for all [~~seed money contributions and~~  
5 ~~qualifying contributions]~~ qualified small contributions received by the candidate. [~~]; and~~

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

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

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

14 **9-3.9 Certification as a Participating Candidate.**

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

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

25 C. Qualified small contributions in the campaign depository of a candidate who fails to

1 obtain certification as a participating candidate, whose certification is revoked or who withdraws as a  
2 participating candidate may be retained by the candidate to be used in the candidate's campaign and  
3 disposed of after the election in the manner required by subsection 9-2.9 SFCC 1987.

4 **9-3.10 Payments to Participating Candidates.**

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

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

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

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

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

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

24 [~~C. Within five (5) business days of the candidate's receipt of the amount disbursed under~~  
25 ~~paragraph A of this subsection or the municipal clerk's refusal to certify the candidate as a~~

1 ~~participating candidate pursuant to paragraph A of subsection 9-3.9 SFCC 1987, whichever is sooner,~~  
2 ~~the candidate shall pay over to the municipal clerk for deposit in the fund any amount of seed money~~  
3 ~~that has been temporarily retained by the candidate for the purpose of keeping open the bank account~~  
4 ~~in the campaign depository pursuant to paragraph E of subsection 9-3.6 SFCC 1987.]~~

5 **Section 11. Section 9-3.11 SFCC 1987 (being Ord. No. 2009-44, §12) is amended to**  
6 **read:**

7 **9-3.11 Use of Payments from the Fund [~~the Fund as Exclusive Source~~].**

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

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

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

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

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

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

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

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

24 C. All payments from the fund received by a participating candidate which have not been  
25 spent or obligated for the purposes specified in paragraph A of this subsection and any tangible assets

1 purchased with such payments remaining in the possession of the campaign as of the date of the  
2 election shall be returned by the candidate and shall be conveyed to the municipal clerk within forty-  
3 five (45) days after that date. Returned payments shall be deposited in the fund. Tangible assets shall  
4 be conveyed to the city for its use or disposition in accordance with the city's procurement  
5 code. Proceeds from such disposition shall be deposited in the fund.

6 C. In accordance with the agreement entered into pursuant to subparagraph B(4) of  
7 subsection 9-3.8 SFCC 1987, a candidate who has been certified as a participating  
8 candidate shall not thereafter accept any contribution to the candidate's campaign other  
9 than payments received from the fund pursuant to subsections 9-3.10 and 9-3.12 SFCC  
10 1987 and qualified small contributions received pursuant to subsection 9-3.6 SFCC  
11 1987, and shall not make any expenditure in support of the candidate's campaign from  
12 any source other than payments and contributions so received and previously deposited  
13 in the candidate's campaign depository.

14 **9-3.14 Reports of Expenditures; ~~Exemption from Certain Reporting Requirements.~~**

15 A. A participating candidate shall file with the municipal clerk reports under oath of  
16 expenditures made from the payments received from the fund, indicating that the expenditures were  
17 made from that source and showing the date and amount of each such expenditure, the name and  
18 address of the person or organization to whom it was made, the purpose of the expenditure, the  
19 aggregate amount of such expenditures made to each person or organization and the aggregate  
20 amount of all such expenditures made by the candidate or by his or her campaign. Receipts for all  
21 such expenditures shall be preserved for a period of two (2) years from the date of the expenditure.

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

24 C. A signed campaign finance statement filed by a participating candidate to report qualified  
25 small contributions pursuant to paragraph E of subsection 9-3.6 SFCC 1987 or paragraph A of

1 subsection 9-3.12 SFCC 1987 shall also include a report of all expenditures made during the period  
2 covered by the statement from the separate account established by the candidate for the deposit of  
3 such contributions pursuant to paragraph D of subsection 9-3.6 SFCC 1987. The statement shall  
4 show that the expenditures were made from that source and shall contain all the information  
5 concerning the expenditures, account balances and funds on hand that is required for campaign  
6 finance statements filed pursuant to subsection 9-2.11 SFCC 1987. Receipts for all such expenditures  
7 shall be preserved for a period of two (2) years from the date of the expenditure.

8 ~~[C.]~~ D. Except as provided in paragraphs A ~~and B~~ through C of this subsection ~~and~~, paragraph  
9 E of subsection 9-3.6 SFCC 1987, paragraph C of subsection 9-3.8 SFCC 1987<sup>[3]</sup> and paragraph A of  
10 subsection 9-3.12 SFCC 1987, participating candidates are exempt from the requirement to file  
11 campaign finance statements imposed by subsections 9-2.10 SFCC 1987 through 9-2.12 SFCC 1987  
12 and from the requirements to file campaign records with the municipal clerk imposed by paragraph C  
13 of subsection 9-2.9 SFCC 1987; provided, however, that campaign records shall be maintained in the  
14 manner required by the applicable provisions of the Campaign Code (Section 9-2 SFCC 1987) and  
15 shall be made available upon request to the municipal clerk and the ethics and campaign review  
16 board.

17 E. ~~[A seed money and qualifying contribution report and an]~~ Campaign finance statements and  
18 contribution and expenditure reports of a candidate for municipal judge are not required to be signed  
19 or acknowledged by the candidate.  
20

1 **PART 4. ALTERNATIVE COMPLIANCE FOR QUALIFICATION AS PUBLIC FINANCED**  
2 **CANDIDATE**

3 **Section 9-3.5**

4 C. Alternative Compliance

5 (1) In lieu of collecting the qualified small contributions set forth in 9-3.5 B, a  
6 candidate for municipal office may qualify as a participating candidate by filing with  
7 the city clerk a supplemental nominating petition containing the same number of  
8 signatures ~~additional~~ from additional voters as were [For Discussion purposes]  
9 required to qualify as a candidate for that office pursuant to Article IV Section 4.03  
10 of the Santa Fe Municipal Charter.

11 (2) For purposes of this section, the city clerk may not count toward the required  
12 number of supplemental signatures the signature of any voter who has signed a  
13 supplemental nominating petition for any other candidate for the same office during  
14 the same election cycle.

15 E.D. Submits an application for certification pursuant to subsection 9-3.8 SFCC 1987  
16 setting forth the agreement and the averments and accompanied by the forms[~~]~~ and reports [~~and~~  
17 ~~payments~~] that are required by that section.

1 **PART 5. MATCHING FUND PROPOSAL**  
2

3 **9-3.12 [NEW MATERIAL] Additional Reports of Qualified Small Contributions;**  
4 **Additional Matching Payments from the Fund**

5 A. Those participating candidates who wish to submit for matching payments from the  
6 Fund, in addition to the dates specified for the filing of campaign finance statements by subsection 9-  
7 2.10 SFCC 1987, may file campaign finance statements reporting the receipt of qualified small  
8 contributions on the eighty-third day preceding the election, the sixty-second day preceding the  
9 election and the fifteenth day preceding the election.

10 B. Within two business days after the filing of a campaign finance statement by a  
11 participating candidate reporting the receipt of qualified small contributions and accompanied by  
12 copies of the forms signed by the contributors as required by paragraph C of subsection 9-3.6 SFCC  
13 1987, the municipal clerk shall disburse to the candidate an additional payment from the fund equal to  
14 four times the total amount of the qualified small contributions reported in the campaign finance  
15 statement; provided, however, that no such additional matching payments shall be made for  
16 contributions reported in a campaign finance statement filed after the Tuesday preceding the election;  
17 and provided further that additional matching payments for contributions listed in a report filed with  
18 the candidate's application for certification under subsection 9-3.8 SFCC 1987 shall not be made until  
19 two business days after such contributions have been listed anew in a campaign finance statement  
20 filed under paragraph E of subsection 9-3.6 SFCC 1987 or paragraph A of this subsection.

21 C. Additional payments made to a participating candidate pursuant to paragraph B of  
22 this subsection shall be deposited in the separate account in the candidate's campaign depository that  
23 was established by the candidate for the deposit of payments received from the fund pursuant to  
24 paragraph A of subsection 9-3.11.

25 D. The aggregate amount of additional payments made to a participating candidate  
26 pursuant to paragraph B of this subsection shall not exceed two hundred percent (200%) of the

1 amount initially paid to the candidate pursuant to subsection 9-3.10 SFCC 1987.

2 E. If the amounts required to be paid to candidates under paragraph B of this subsection  
3 exceed the total amount available in the fund, each payment shall be reduced in proportion to the  
4 amount of such excess.

5  
6 **[For Discussion purposes: Hypotheticals]**

7 Public Finance Campaign Fund:

8 Last Election Revenues: \$330,000 = \$300,000 per election cycle from the General Fund + \$30,000  
9 per election cycle in qualifying funds

10 Last Election Expenditures: \$285,000 = \$180,000 Grant to 3 mayor candidates + \$105,000 Grant to 7  
11 council candidates

12 Carryforward to the reserve: Approximately \$45,000

13 Current reserves: approximately \$500,000

14  
15 But what if you eliminate the qualifying fund process = you eliminate of \$30,000 per election cycle in  
16 revenues and you end up the revenues and expenditures per election cycle netting out at zero.

17 For example, if you eliminated the \$30,000 in revenues and if just one more council candidate in  
18 2014 had qualified for the initial grant, the revenues (\$300,000) and expenditures (\$300,000) would  
19 have netted out at zero. *Any additional costs would have come from the reserves.*

20 And what if 5 mayor candidates had qualified? The expenditures would have been \$405,000 =  
21 \$300,000 Grant to 3 mayor candidates + \$105,000 Grant to 7 council candidates. *This would have*  
22 *eaten into the reserves*

23  
24 But what if you have a system where the three **mayor** candidates could raise money and could get a 4  
25 **X1** match (capped **at 200%** of the initial grant)?

1 Mayor A would get \$60,000 in the initial grant, could raise \$30,000 in small contributions and get a  
2 match of \$120,000.

3 Mayor B would get \$60,000 in the initial grant, could raise \$30,000 in small contributions and get a  
4 match of \$120,000

5 Mayor C would get \$60,000 in the initial grant, could raise \$30,000 in small contributions and get a  
6 match of \$120,000

7 This equals: \$180,000 in grant funds and \$360,000 in matching funds

8 .

9 Further Examples:

10 What if you have a system where the three **mayor** candidates could raise money and could get a **2 X1**  
11 match (capped at **200%** of the initial grant)?

12 Mayor A would get \$60,000 in the initial grant, could raise \$60,000 in small contributions and get a  
13 match of \$120,000.

14 Mayor B would get \$60,000 in the initial grant, could raise \$60,000 in small contributions and get a  
15 match of \$120,000

16 Mayor C would get \$60,000 in the initial grant, could raise \$60,000 in small contributions and get a  
17 match of \$120,000

18 This equals: \$180,000 in grant funds and \$360,000 in matching funds.

19

20 What if you have a system where the three **mayor** candidates could raise money and could get a **1 X1**  
21 match (capped at only **200%** of the initial grant)?

22 Mayor A would get \$60,000 in the initial grant, could raise \$120,000 in small contributions and get a  
23 match of \$120,000.

24 Mayor B would get \$60,000 in the initial grant, could raise \$120,000 in small contributions and get a  
25 match of \$120,000

1 Mayor C would get \$60,000 in the initial grant, could raise \$120,000 in small contributions and get a  
2 match of \$120,000

3 This equals: \$180,000 in grant funds and \$360,000 in matching funds.  
4

5 What if you have a system where the three **mayor** candidates could raise money and could get a **4 X1**  
6 match (capped at only **100%** of the initial grant)?

7 Mayor A would get \$60,000 in the initial grant, could raise \$15,000 in small contributions and get a  
8 match of \$60,000.

9 Mayor B would get \$60,000 in the initial grant, could raise \$15,000 in small contributions and get a  
10 match of \$60,000

11 Mayor C would get \$60,000 in the initial grant, could raise \$15,000 in small contributions and get a  
12 match of \$60,000

13 This equals: \$180,000 in grant funds and \$180,000 in matching funds.  
14

15 What if you have a system where the three **mayor** candidates could raise money and could get a **2 X1**  
16 match (capped at only **100%** of the initial grant)?

17 Mayor A would get \$60,000 in the initial grant, could raise \$30,000 in small contributions and get a  
18 match of \$60,000.

19 Mayor B would get \$60,000 in the initial grant, could raise \$30,000 in small contributions and get a  
20 match of \$60,000

21 Mayor C would get \$60,000 in the initial grant, could raise \$30,000 in small contributions and get a  
22 match of \$60,000

23 This equals: \$180,000 in grant funds and \$180,000 in matching funds.  
24

25 But what if you have a system where the three **mayor** candidates could raise money and could get a **1**

1 **X1 match** (capped at **only 100%** of the initial grant)?

2 Mayor A would get \$60,000 in the initial grant, could raise \$60,000 in small contributions and get a  
3 match of \$60,000.

4 Mayor B would get \$60,000 in the initial grant, could raise \$60,000 in small contributions and get a  
5 match of \$60,000

6 Mayor C would get \$60,000 in the initial grant, could raise \$60,000 in small contributions and get a  
7 match of \$60,000

8 This equals: \$180,000 in grant funds and \$180,000 in matching funds.

9

10 *Don't forget council and judge races--what if you have a system where the three **council** candidates  
11 could raise money and could get a **4 X1 match** (capped **at 200%** of the initial grant)?*

12 *Candidate A would get \$15,000 in the initial grant, could raise \$7,500 in small contributions and get  
13 a match of \$30,000.*

14 *Candidate B would get \$15,000 in the initial grant, could raise \$7,500 in small contributions and get  
15 a match of \$30,000*

16 *Candidate C would get \$15,000 in the initial grant, could raise \$7,500 in small contributions and get  
17 a match of \$30,000*

18 *This equals: \$45,000 in grant funds and \$90,000 in matching funds.*

19

20

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