

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)(i) – (v).

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

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

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

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

23 (iv) if the individual or entity disseminates, distributes or
24 republishes an advertisement that contains, in whole or in
25 part, any broadcast or any written, graphic, or other form of

1 campaign material prepared by the candidate, candidate's
2 political committee or his/her representatives or agents;

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

14 (b) An expenditure shall not be presumed to be a coordinated expenditure
15 solely because:

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

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

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

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

22 (d) The Ethics and Campaign Review Board shall establish procedural rules
23 defining how citizens and entities may file or respond to complaints
24 which involve these above-cited presumptions and any necessary
25 required evidentiary matters.

1 **“PART 2: TRANSPARENCY INDEPENDENT EXPENDITURES”**

2
3 **9-2.6 Independently Sponsored Campaign [Materials] Communications And Reporting**

4
5 A. Any person or entity that [contracts for or initiates the dissemination of campaign materials
6 supporting the election or defeat of an identifiable candidate or of a ballot proposition, and that
7 spends in the aggregate makes expenditures of two hundred fifty dollars (\$250.) or more in the
8 aggregate during a single election to pay for any form of public communication, including print,
9 broadcast, cable or electronic advertising, billboards, signs, pamphlets, mass mailers, mass e-mails,
10 recorded phone messages, organized phone-banking or organized precinct-walking, that is
11 disseminated to 100 or more eligible voters, and that either:

12 (1) expressly advocates the election, passage or defeat of a candidate or ballot proposition, or

13
14 (2) refers to a clearly identifiable candidate or ballot proposition within 30 days before an
15 election at which the candidate or proposition is on the ballot,

16
17 shall thereafter, on each of the days prescribed for the filing of campaign finance statements of
18 political committees, file with the city clerk a report of all such expenditures made and all
19 contributions received for [such] the purpose of paying for such expenditures on or before the date of
20 the report and which have not been previously reported. Each report shall be submitted on a form
21 prescribed by the city clerk. Contributions shall be specified by date, amount of contribution, name,
22 address and occupation of the person or entity from whom the contribution was made. No
23 contribution shall be reported in the name of a person who is not the actual contributor or who has
24 been or will be reimbursed or compensated for the contribution by another person. Expenditures shall
25 be specified by date, the amount of the expenditure, the name and address of the person or entity
26 where an expenditure was made and the purpose of the expenditure. No report is required under this
27 subsection for expenditures made exclusively for impartial candidate forums or debates or the
28 announcements thereof, or for impartial voter guides allowed by the Internal Revenue Code for
29 Section 501(c)(3) organizations or a communication by a membership organization or corporation to

1 its current members, stockholders or executive or administrative personnel unless the membership
2 organization or corporation is a campaign committee or a political committee;

3
4 B. Contributions shall be specified by date, amount of contribution, name, address and
5 occupation of the person or entity from whom the contribution was made. The entity must provide
6 the name of its president or chief executive officer.

7 C. Expenditures shall be specified by date, the amount of the expenditure, the name and address
8 of the person or entity where an expenditure was made and the purpose of the expenditure.
9 The entity must provide the name of its president or chief executive officer.

10 9-2.3 Definitions.

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

16

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

9-3.3 Definitions

L. Qualified small 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.

~~[L. Qualifying contribution means a contribution of no more [or] and 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.]~~

~~[M. 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.]~~

~~[N.]~~ M. 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.

~~[O. 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.]~~

[Remaining sections shall be re-lettered accordingly.]

9-3.4 Public Campaign Finance Fund.

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 106th 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~~[;]~~ 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 additional signatures required to qualify as a candidate for that office pursuant to
9 Article IV Section 4.03 of the Santa Fe Municipal Charter.

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

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

Exact Number of Nominating Petition Signatures Required October 15, 2013

District #	Registered Voters	Exact Number Petition Signatures
Mayor	53,024	265
1	16,805	84
2	14,534	73
3	8,203	41
4	13,482	67

Mayor or Municipal Judge Candidates shall file a nominating petition containing the signatures of at least one-half of one percent of the registered voters of the city.

Councilor Candidates shall file a nominating petition containing the signatures of at least one-half of one percent of the registered voters of the district, which the candidate seeks to represent.

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

7

8

9

10

11

12

13

14

15

16 *Discussion Draft 4/10/15*

17

18