

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2017-27

3 INTRODUCED BY:

4  
5 Councilor Carmichael A. Dominguez

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10 AN ORDINANCE

11 RELATING TO INDEPENDENTLY SPONSORED CAMPAIGN COMMUNICATIONS AND  
12 REPORTING; AMENDING SUBSECTION 9-2.6 TO MAKE CHANGES TO  
13 INDEPENDENTLY SPONSORED CAMPAIGN COMMUNICATIONS AND REPORTING.

14  
15 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE;


16 Section 1. Section 9-2.6 SFCC 1987 (being Ord. No. 2005-14, as amended) is amended to  
17 read

18 9-2.6 Independently Sponsored Campaign Communications and Reporting.

19 A. Any person or entity that makes expenditures of two hundred fifty dollars (\$250.) or  
20 more in the aggregate during a single election to pay for any form of public communication including  
21 print, broadcast, cable or electronic advertising, billboards, signs, pamphlets, mass mailers, mass  
22 electronic mail, recorded phone messages, organized phone-banking or organized precinct-walking,  
23 that is disseminated to one hundred (100) or more eligible voters, and that either expressly advocates  
24 the election or defeat of a candidate~~[; or the approval or defeat of a ballot proposition]~~; or refers to a  
25 clearly identifiable candidate ~~[or ballot proposition]~~ within sixty (60) days before an election at which

1 the candidate [~~or proposition~~] is on the ballot, shall thereafter, on each of the days prescribed for the  
2 filing of campaign finance statements, file with the city clerk a report of all such expenditures made  
3 and all contributions received for the purpose of paying for such expenditures on or before the date of  
4 the report and which have not been previously reported. Each report shall be submitted on a form  
5 prescribed by the city clerk. Contributions shall be specified by date, amount of contribution, name,  
6 address and occupation of the person or entity from whom the contribution was made. No contribution  
7 shall be reported in the name of a person who is not the actual contributor or who has been or will be  
8 reimbursed or compensated for the contribution by another person. The president, chief executive  
9 officer or equivalent position shall certify on the filing that its expenditures were or were not made in  
10 cooperation, consultation or concert with, or at the request or suggestion of, a candidate, his/her  
11 representatives or agents or the candidate's political committee. Expenditures shall be specified by date,  
12 the amount of the expenditure, the name and address of the person or entity where an expenditure was  
13 made and the purpose of the expenditure. No report is required under this subsection for expenditures  
14 made exclusively for communications to the news media, editorials, reports or commentary by the news  
15 media, impartial candidate forums or debates or the announcements thereof, or for impartial voter  
16 guides allowed by the Internal Revenue Code for Section 501(c)(3) organizations or a communication  
17 by a membership organization or corporation to its current members, stockholders or executive or  
18 administrative personnel unless the membership organization or corporation is a campaign committee  
19 or a political committee.

20  
21 APPROVED AS TO FORM;

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23 \_\_\_\_\_  
24 KELLEY A. BRENNAN, CITY ATTORNEY

25 *M/Legislation/Bills 2017/ Independently Sponsored Campaign Communications and Reporting Changes*

### City of Santa Fe Fiscal Impact Report (FIR)

This Fiscal Impact Report (FIR) shall be completed for each proposed bill or resolution as to its direct impact upon the City's operating budget and is intended for use by any of the standing committees of and the Governing Body of the City of Santa Fe. Bills or resolutions with no fiscal impact still require a completed FIR. Bills or resolutions with a fiscal impact must be reviewed by the Finance Committee. Bills or resolutions without a fiscal impact generally do not require review by the Finance Committee unless the subject of the bill or resolution is financial in nature.

**Section A. General Information**

(Check) Bill: \_\_\_\_\_ Resolution: \_\_\_\_\_

(A single FIR may be used for related bills and/or resolutions)

Short Title(s): AN ORDINANCE RELATING TO INDEPENDENTLY SPONSORED CAMPAIGN COMMUNICATIONS AND REPORTING; AMENDING SUBSECTION 9-2.6 TO MAKE CHANGES TO INDEPENDENTLY SPONSORED CAMPAIGN COMMUNICATIONS AND REPORTING.

Sponsor(s): Councilor Dominguez

Reviewing Department(s): City Attorney's Office

Persons Completing FIR: Zachary Shandler Date: 9/27/17 Phone: 955-6303

Reviewed by City Attorney: Valley A. Brennan Date: 9/27/17  
(Signature)

Reviewed by Finance Director: [Signature] Date: 9-27-17  
(Signature)

**Section B. Summary**

Briefly explain the purpose and major provisions of the bill/resolution:

This bill removes the requirement that persons or entities that have expenditures of \$250 or greater for the approval or defeat of a ballot proposition be required to submit a campaign finance statement with the city clerk's office.

**Section C. Fiscal Impact**

**Note:** Financial information on this FIR does not directly translate into a City of Santa Fe budget increase. For a budget increase, the following are required:

- a. The item must be on the agenda at the Finance Committee and City Council as a "Request for Approval of a City of Santa Fe Budget Increase" with a definitive funding source (could be same item and same time as bill/resolution)
- b. Detailed budget information must be attached as to fund, business units, and line item, amounts, and explanations (similar to annual requests for budget)
- c. Detailed personnel forms must be attached as to range, salary, and benefit allocation and signed by Human Resource Department for each new position(s) requested (prorated for period to be employed by fiscal year)\*

**1. Projected Expenditures:**

- a. Indicate Fiscal Year(s) affected – usually current fiscal year and following fiscal year (i.e., FY 03/04 and FY 04/05)
- b. Indicate: "A" if current budget and level of staffing will absorb the costs  
"N" if new, additional, or increased budget or staffing will be required
- c. Indicate: "R" – if recurring annual costs  
"NR" if one-time, non-recurring costs, such as start-up, contract or equipment costs
- d. Attach additional projection schedules if two years does not adequately project revenue and cost patterns
- e. Costs may be netted or shown as an offset if some cost savings are projected (explain in Section 3 Narrative)

Finance Director: \_\_\_\_\_

X     Check here if no fiscal impact

Column #:	1	2	3	4	5	6	7	8
	Expenditure Classification	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs Recurring or "NR" Non-recurring	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs – Recurring or "NR" Non-recurring	Fund Affected

Personnel*	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Fringe**	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Capital Outlay	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Land/ Building	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Professional Services	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
All Other Operating Costs	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Total:	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____

\* Any indication that additional staffing would be required must be reviewed and approved in advance by the City Manager by attached memo before release of FIR to committees. \*\*For fringe benefits contact the Finance Dept.

**2. Revenue Sources:**

- a. To indicate new revenues and/or
- b. Required for costs for which new expenditure budget is proposed above in item 1.

Column #:	1	2	3	4	5	6
	Type of Revenue	FY _____	"R" Costs Recurring or "NR" Non-recurring	FY _____	"R" Costs – Recurring or "NR" Non-recurring	Fund Affected

_____	\$ _____	_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____	_____
Total:	\$ _____	_____	\$ _____	_____	_____	_____

**3. Expenditure/Revenue Narrative:**

Explain revenue source(s). Include revenue calculations, grant(s) available, anticipated date of receipt of revenues/grants, etc. Explain expenditures, grant match(s), justify personnel increase(s), detail capital and operating uses, etc. (Attach supplemental page, if necessary.)

N/A

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**Section D. General Narrative**

**1. Conflicts:** Does this proposed bill/resolution duplicate/conflict with/companion to/relate to any City code, approved ordinance or resolution, other adopted policies or proposed legislation? Include details of city adopted laws/ordinance/resolutions and dates. Summarize the relationships, conflicts or overlaps.

None identified.

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**2. Consequences of Not Enacting This Bill/Resolution:**

Are there consequences of not enacting this bill/resolution? If so, describe.

These provisions are being challenged in court. By enacting the bill, the City may moot the Plaintiffs' claims.

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**3. Technical Issues:**

Are there incorrect citations of law, drafting errors or other problems? Are there any amendments that should be considered? Are there any other alternatives which should be considered? If so, describe.

None identified.

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**4. Community Impact:**

Briefly describe the major positive or negative effects the Bill/Resolution might have on the community including, but not limited to, businesses, neighborhoods, families, children and youth, social service providers and other institutions such as schools, churches, etc.

This bill would exempt persons/entities that makes expenditures of \$250 or greater in support or opposition to a ballot proposition from having to file a campaign finance statement with the city clerk. This will ease the burden on some campaigns, but will also reduce transparency for voters on expenditures made by outside organizations in favor or opposed to certain ballot propositions.

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