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**CITY OF SANTA FE, NEW MEXICO**

**BILL NO. 2017-37**

**INTRODUCED BY:**

Mayor Javier M. Gonzales

**AN ORDINANCE**

**AMENDING SECTION 9-3.4 PUBLIC CAMPAIGN FINANCE FUND TO AUTHORIZE THE USE OF SURPLUS FUNDS TO SUPPORT A PUBLIC EDUCATION CAMPAIGN RELATING TO RANKED CHOICE VOTING FOR THE 2018 MUNICIPAL ELECTION; AND AMENDING SECTION 9-3.10 TO ADD DISBURSEMENT OF FUNDS FOR A RUNOFF ELECTION.**

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

**Section 1. Subsection 9-3.4 SFCC 1987 (being Ord. #2009-44, as amended) is amended to read:**

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

A. A dedicated public campaign finance fund ("the fund") is established to be administered by the [municipal] city 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. The fund may be used for the 2018

1 municipal election to support a public education campaign relating to ranked choice voting in  
2 accordance with subsection E below.

3 B. Each fiscal year, except for fiscal year 2016-2017, the sum of one hundred fifty  
4 thousand dollars (\$150,000.) shall be budgeted for and deposited in the fund.

5 C. The governing body shall appropriate and deposit in the fund such additional sums,  
6 if any, as may be necessary to ensure:

7 (1) That the balance in the fund one hundred nineteen (119) days preceding  
8 each election for mayor and four (4) council seats is at least six hundred thousand dollars  
9 (\$600,000.); and

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

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

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

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

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

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

23 (5) Voluntary donations made to the fund;

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

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

3 E. For the 2018 municipal election, the fund may be used to support a public  
4 education campaign relating to ranked choice voting, in accordance with 9-3.16, SFCC 1987. The  
5 expenditure of monies on ranked choice voting public education campaign for the 2018 municipal  
6 election shall not conflict with the funding requirements of Subsection C above.

7 **Section 2. Subsection 9-3.10 SFCC 1987 (being Ord. #2009-44, as amended) is**  
8 **amended to read:**

9 **9-3.10 Public Campaign Finance Fund.**

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

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

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

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


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

20 B. Should no candidate receive a majority of the ballots cast pursuant to Section 9-  
21 1.15 SFCC 1987, a runoff candidate pursuant to Section 9-1.18 SFCC 1987 who had received a  
22 disbursement from the public campaign finance fund for the ranked choice voting election may  
23 receive an additional disbursement from the public campaign finance fund in the amount of  
24 twenty percent (20%) of the amount initially received from the fund, to be distributed within three  
25 (3) days of the ranked choice voting election.

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

10 C. Within five (5) business days of the candidate's receipt of the amount disbursed  
11 under paragraph A of this subsection or the municipal clerk's refusal to certify the candidate as a  
12 participating candidate pursuant to paragraph A of subsection 9-3.9 SFCC 1987, whichever is  
13 sooner, the candidate shall pay over to the municipal clerk for deposit in the fund any amount of  
14 seed money that has been temporarily retained by the candidate for the purpose of keeping open  
15 the bank account in the campaign depository pursuant to paragraph E of subsection 9-3.6 SFCC  
16 1987.

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18 APPROVED AS TO FORM:

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21 KELLEY A. BRENNAN, CITY ATTORNEY  
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25 *M/Legislation/Bills 2017/2017-37 Ranked Choice Voting Education Funding*