

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2019-10

INTRODUCED BY:

Councilor Carol Romero-Wirth

AN ORDINANCE

**AMENDING SECTIONS 9-3.5, 9-3.8, AND 9-3.9 SFCC 1987 REGARDING THE PUBLIC
CAMPAIGN FINANCE CODE, ADJUSTING THE CITY'S QUALIFICATION PROCESS
FOR PUBLIC FINANCING TO REFLECT RECENT CHANGES IN STATE LAW.**

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

**Section 1. Section 9-3.5 SFCC 1987 (being Ord. No. 2009-44, § 6, as amended) is
amended to read:**

9-3.5 Eligibility as a Participating Candidate.

Any candidate for municipal office may qualify as a participating candidate eligible to
receive payments from the fund pursuant to subsections 9-3.10 and 9-3.13 SFCC 1987 if the
candidate:

A. Meets the requisites to be listed on the ballot as a certified candidate for
municipal office pursuant to the provisions of ~~[Section 3-8-27 (B) through (E) NMSA 1978]~~
Subsection D of Section 1-22-3.2 NMSA 1978 and Article IV Section 4.03 of the Santa Fe
Municipal Charter;

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

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

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

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

9 C. Submits an application for certification pursuant to subsection 9-3.8 SFCC 1987
10 setting forth the agreement and the averments and accompanied by the [~~forms, reports~~] supporting
11 documents and payments that are required by that section.

12 **Section 2. Section 9-3.8 SFCC 1987 (being Ord. No. 2009-44, § 9, as amended) is**
13 **amended to read:**

14 **9-3.8 Application for Certification as a Participating Candidate.**

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

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

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

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

SFCC 1987 and 9-3.7 SFCC 1987;

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

(4) The candidate's agreement that his or her current campaign will not solicit, direct, or accept any further contributions or make any further expenditures from any sources other than payments received from the fund pursuant to subsections 9-3.10 and 9-3.13 SFCC 1987 and qualified small contributions received pursuant to subsection 9-3.12 SFCC 1987.

C. The application shall be accompanied by:

(1) A sworn declaration of candidacy in the form prescribed by Section 1-22-8 NMSA 1978;

(2) A certificate of valid nominating petition certifying that the candidate's nominating petition contains the number of signatures specified for the office sought pursuant to Section 4.03 of the Santa Fe Municipal Charter;

~~[(+)]~~ (3) Reports listing all seed money contributions and qualifying contributions received by the candidate and all expenditures of seed money contributions made by the candidate, and showing the aggregate amounts of all such contributions and expenditures and the aggregate amounts of all contributions received from each contributor;

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

~~[(3)]~~ (5) A check or checks issued to the city of Santa Fe from the candidate's campaign depository for the amount of all qualifying contributions received by the candidate and all seed money contributions received by the candidate

1 except:

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

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

7 **Section 3. Section 9-3.9 SFCC 1987 (being Ord. No. 2009-44, § 10, as amended) is**
8 **amended to read:**

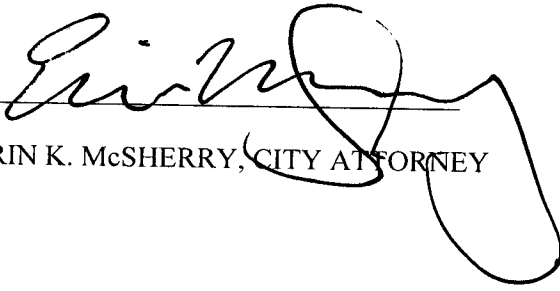
9 **9-3.9 Certification as a Participating Candidate**

10 A. On or before the ninety-fifth (95th) day before the election the city clerk shall
11 deliver to the county clerk, pursuant to Section 1-22-3.2(D)(2) NMSA 1978, the candidate's
12 declaration of candidacy and certificate of valid nominating petition, and shall request from the
13 county clerk a determination, pursuant to Section 1-22-3.2(D)(3) NMSA 1978, whether the
14 candidate is qualified to be a candidate.

15 ~~[A-]~~ B. On or before the eighty-ninth (89th) day before the election the city 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
18 a 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
20 the candidate.

21 ~~[B-]~~ C. The city 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 city clerk for deposit in the
24 fund any amounts previously paid to the candidate pursuant to subsections 9-3.10 and 9-3.13
25 SFCC 1987.

1 APPROVED AS TO FORM:

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25 *Legislation/2019/Bills/Public Campaign Finance Changes*