CITY OF SANTA FE, NEW MEXICO

BILL NO. 2013-29

INTRODUCED BY

Councilor Calvert

AN ORDINANCE

RELATING TO THE CAMPAIGN CODE, ARTICLE 9-2 SFCC 1987: AMENDING SECTION 9-2.3 TO AMEND THE DEFINITION OF CONTRIBUTION AND ADD THE DEFINITIONS FOR "ANONYMOUS CONTRIBUTION" AND "CHARITY"; AMENDING SECTION 9-2.5 TO CLARIFY WHOSE IDENTIFICATION IS REQUIRED ON CAMPAIGN MATERIALS; AMENDING SECTION 9-2.9 TO AMEND THE DUTIES OF THE CAMPAIGN TREASURER AND DEPUTY TREASURER, INCLUDING THAT ALL CONTRIBUTIONS SHALL BE REPORTED AND CLARIFY THE PROCESS FOR DISPOSITION OF TANGIBLE ASSETS; AMENDING SECTION 9-2.11 TO AMEND THE REQUIREMENTS FOR THE CONTENTS OF THE CAMPAIGN FINANCE STATEMENT; AMENDING SECTION 9-2.12 TO EXEMPT JUDICIAL CANDIDATES FROM SIGNING CAMPAIGN FINANCE STATEMENTS; AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY; AND

RELATING TO THE PUBLIC CAMPAIGN FINANCE CODE, ARTICLE 9-3 SFCC 1987: AMENDING SECTION 9-3.3 TO AMEND THE DEFINITION OF CONTRIBUTION; AMENDING SECTION 9-3.6 TO CLARIFY REQUIREMENTS FOR SEED MONEY

CONTRIBUTIONS AND UNSPENT SEED MONEY; AMENDING SECTION 9-3.7 TO CLARIFY THAT QUALIFYING CONTRIBUTIONS SHALL BE PLACED IN A NON-INTEREST BEARING ACCOUNT; AMENDING SECTION 9-3.8 TO CLARIFY CANDIDATE APPLICATION REQUIREMENTS; AMENDING SECTION 9-3.10 TO CLARIFY THAT SEED MONEY SHALL BE TURNED OVER TO THE MUNICIPAL CLERK WHEN A CANDIDATE HAS NOT BEEN CERTIFIED; AMENDING SECTION 9-3.11 TO CLARIFY THE REQUIRED DISPOSITION OF UNSPENT PAYMENTS FROM THE FUND AND TANGIBLE ASSETS; AMENDING SECTION 9-3.14 TO REQUIRE THAT THE DATE SHALL BE INCLUDED ON ALL REPORTS OF EXPENDITURES AND CLARIFY THAT SEED MONEY AND QUALIFYING CONTRIBUTION REPORTS SHALL NOT BE SIGNED OR ACKNOWLEDGED BY A CANDIDATE FOR MUNICIPAL JUDGE; AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY.

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

Section 1. Section 9-2.3 SFCC 1987 (being Ord. #1998-41, §3, as amended) is amended to read:

9-2.3 Definitions.

As used in the Campaign Code:

A. *Anonymous contribution* means a contribution for which any of the information required to be recorded or reported by the Campaign Code is unknown to the persons who are required to record or report it.

[~~A~~]B. *Ballot proposition* means any measure, amendment or other question submitted to, or proposed for submission to, a popular vote at a Santa Fe election.

[~~B~~]C. *Campaign depository* means a bank, mutual savings bank, savings and loan

association or credit union doing business in this state under which a campaign account or accounts are maintained.

[~~C~~]D. *Campaign finance statement* means a report of all contributions received and expenditures made according to a form prescribed by the city clerk which, when completed and filed, provides the information required in the sections to follow.

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

[~~E~~]F. *Campaign treasurer and deputy campaign treasurer* means the individual who is responsible for keeping the financial records of the political committee or candidate (the candidate may be their own campaign treasurer or deputy campaign treasurer).

[~~F~~]G. *Candidate* means any individual who seeks election to a Santa Fe municipal office. An individual shall be a candidate when they:

(1) Announce publicly;

(2) File for office;

(3) When contributions are accepted or expenditures made; or

(4) Any activity is held to promote an election campaign of an individual if that activity is endorsed or supported by that person or if the benefits of such activity are later accepted by such person.

H. *Charity* means an organization that is exempted from federal taxation by Title 26 United States Code, section 501(c)(3).

[~~G~~]I. *Contribution* means a loan, loan guarantee, gift, advance, pledge, contract, agreement or promise of money or anything of value or other obligation, whether or not these items are legally enforceable, made directly or indirectly, to a candidate or political committee for the purpose of

influencing the outcome of a municipal election.

(1) The term "contribution" includes:

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

(b) The transfer of anything of value [~~, including personal and professional services,~~] for less than full consideration;

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

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

(e) The purchase [~~of over twenty-five dollars ($25.00)~~] of tickets for fundraising events such as dinners, rallies, raffles, etc. and the proceeds of collections at fundraising events [~~which are not otherwise reported~~].

(2) The term "contribution" does not include:

(a) A volunteer's personal services provided without compensation or the travel or personal expenses of such a campaign worker; and

(b) The cost of an event held in honor of or on behalf of a candidate when the total cost of the event amounts to no more than two hundred dollars ($200.).

[~~H~~]J. *Contributor* means:

(1) *Individual contributor* means an individual who makes a contribution from their personal assets which are not those of a business, corporation, partnership [,] or political committee.

(2) *Business contributor* means an individual who uses the assets of [~~their~~] a business, corporation, partnership [,] or political committee [~~or PAC~~] as a contribution or any business, corporation, partnership [,] or political committee [~~or PAC~~] which makes a

contribution.

[~~I~~]K. *Election* means any regular or special Santa Fe municipal election.

[~~J. *Election period* means the fifty-six (56) days before a municipal election is held.~~]

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

[~~L~~]M. *Political committee* means any entity formed for the principal purpose of:

(1) Raising or collecting, and expending or contributing money or anything of value for supporting the election or defeat of any identifiable candidate or candidates or for supporting the approval or defeat of ballot propositions; or

(2) Coordinating or cooperating in efforts to support the election or defeat of any identifiable candidates or of supporting the approval or defeat of any ballot proposition.

Section 2. Section 9-2.5 SFCC 1987 (being Ord. #1998-41, §4, as amended) is amended to read:

9-2.5 Identification of Campaign Material.

A. Campaign materials disseminated or communicated by a candidate [~~or by a political committee~~] shall conspicuously identify the name of the candidate and[~~/or~~] campaign treasurer or deputy campaign treasurer[~~, or the name of an officer or other responsible person of the political committee sponsoring such materials~~].

B. Campaign materials disseminated or communicated by a political committee shall conspicuously identify the name of an officer or other responsible person of the political committee sponsoring such materials.

C. Written, printed or posted materials shall also show a telephone contact number.

Section 3. Section 9-2.9 SFCC 1987 (being Ord. #1998-41, §7, as amended) is amended to read:

9-2.9 Campaign Treasurer; Deputy Campaign Treasurer; Duties.

A. The campaign treasurer or deputy campaign treasurer shall keep a true and full record of contributions and expenditures. The record of contributions and expenditures required to be kept under the terms of the Campaign Code shall include but not be limited to:

(1) The full name and complete mailing address and principal business or occupation of every individual contributor [~~of an amount of twenty-five dollars ($25.00) or more or an aggregate of contributions of a single contributor totaling twenty-five dollars ($25.00) or more~~] for the period of time beginning with the acceptance of the first contribution;

(2) The full name, [~~and~~] complete mailing address of every business [~~and political committee which contributes twenty-five dollars ($25.00) or more or an aggregate of contributions from a business and or political committee totaling twenty-five dollars ($25.00) or more~~] contributor for the period of time beginning with the acceptance of the first contribution;

(3) The date of receipt, amount and form of every contribution;

(4) The aggregate donated by each such contributor [~~.Contributions of less than twenty-five dollars ($25.00) from any individual or from any business or political committee in any campaign shall be reported as a lump sum without identifying the contributor by name~~];

(5) An itemized record of all disbursements, including the name and address of every recipient thereof, receipts reflecting the purpose of each expenditure and the day and method of payment; and

(6) All campaign bank records, including deposit slips and canceled checks.

B. The campaign treasurer or deputy campaign treasurer shall not accept anonymous [~~donations over twenty-five dollars ($25.00) or more~~] contributions. Any such contribution received by the campaign treasurer or deputy campaign treasurer shall, within seven (7) days of receipt, be donated to a charity or to the city's general fund. The campaign treasurer or deputy campaign treasurer shall keep a record of the amount and date of receipt of any such contributions and of the disposition that was made of the contribution, including the date when it was donated to the city or to a charity and the identity of the recipient of the donation.

C. Records required to be kept by the campaign treasurer or deputy campaign treasurer under the terms of paragraph A items (1), (2), (3) and (4) of this subsection, shall be filed with the city clerk as part of the public record, shall be provided to the ethics and campaign review board set forth in Section 6-16, SFCC 1987 upon request and may be inspected by the public during usual business hours, Monday through Friday, excluding legal holidays.

D. Records kept by the campaign treasurer or deputy campaign treasurer shall be made current not more than seven (7) days after the date of a contribution or of an expenditure. During the eight (8) days immediately preceding the date of any election for which the political committee has received any contributions or made any expenditures, the books of the account shall be kept current within one (1) business day.

E. The campaign treasurer or deputy campaign treasurer shall preserve books of accounts, bills, receipts and all other financial records of the campaign or political committee for two (2) calendar years following the year in which the transaction occurred.

F. The campaign treasurer or deputy campaign treasurer shall deposit within five (5)

business days after receipt all monetary contributions received by a candidate, political committee, campaign treasurer or deputy campaign treasurer in the campaign depository designated for that purpose.

G. Campaign funds shall be used and distributed as follows:

(1) All contributions received shall be under the custody of the campaign treasurer or deputy campaign treasurer and shall be segregated from, and not be commingled with, the personal funds of an individual, group or political committee. Contributions shall be used exclusively to pay expenses incurred in furtherance of the candidate's campaign, and shall not be used for any other purpose, including:

(a) The candidate's personal living expenses or compensation to the candidate;

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

(c) An expenditure supporting the election of another candidate or the passage or defeat of a ballot proposition; or

(d) [~~A purchase of capital assets having a value in excess of one thousand dollars ($1000.) and a useful life extending beyond the date of the election; or~~

~~(e)~~] Any gift or transfer for which compensating value is not received, other than a donation or distribution permitted by this subsection at the conclusion of an election.

(2) Any campaign contributions remaining unspent and any tangible assets with an estimated resale value greater than two hundred dollars ($200.00) that were purchased with such contributions and remain in the possession of the campaign at the conclusion of an election shall be distributed for the following purposes:

(a) Expenditures of the campaign;

(b) Donations to the city's general fund or, in the case of tangible assets, to the city for its use or disposition in accordance with the city's procurement code. Proceeds from such disposition shall be deposited in the city's general fund;

(c) Donations to charities [~~and/or other non-profit entities~~]; or

(d) Disbursements to return unused funds to the contributors.

(3) All unspent campaign contributions shall be distributed within six (6) months following a municipal election, for any of the purposes listed in this subsection 9-2.9G. All candidates and political committees shall file reports listing the date, amount and recipient of each post-election expenditure, donation or disbursement made from campaign funds pursuant to this subsection 9-2.9G. Such report shall be part of the final campaign finance statement that is required by subsection 9-2.10B SFCC 1987.

H. A campaign treasurer, deputy campaign treasurer or political committee may invest funds deposited in the campaign account in an account of indebtedness of a financial institution up to the amount of federal deposit insurance; United States bonds or certificates of indebtedness or those of a federal agency; and/or bonds or warrants of the state or any municipal corporation of the state. All interest, dividends, and/or other income derived from the investment and the principal when repaid shall be deposited in the campaign account.

Section 4. Section 9-2.11 SFCC 1987 (being Ord. #1998-41, §10, as amended) is amended to read:

9-2.11 Campaign Finance Statement; Contents.

A. Each campaign finance statement shall be filed in accordance with subsection 9-2.10 SFCC 1987. [~~shall disclose for the period beginning at the end of the period for the last report, or in the case of the initial report, at the time of the first contribution or expenditures, and shall~~] The initial statement shall begin with the date of the first contribution or expenditure. Subsequent statements

shall begin on the day after the end date of the previous reporting period. Statements shall contain the following information:

(1) The funds on hand at the beginning of the period. This shall include the cumulative total amount of all contributions and expenditures. This includes, but is not limited to, contributions and expenditures in aid of, or in opposition to, candidates or ballot propositions before they qualify for the ballot and contributions and expenditures following the election;

(2) The full name, [~~and complete mailing~~] home address, [~~and principal business or occupation of~~] occupation, name of employer, date of receipt and amount of each contribution received from each individual contributor from whom a contribution [~~or contributions of twenty-five dollars ($25.00) or more~~] in money, goods, materials, services, facilities or anything of value has been received [~~and the amount received from that individual~~] and whether the contribution was received in cash, by check, by credit card, by electronic transfer or otherwise;

(3) The full name [~~and complete mailing address of~~] , type of business, physical address, date of receipt and amount of each contribution for each business [~~or political committee~~] contributor, from whom a contribution [~~of twenty-five dollars ($25.00) or more~~] in money, goods, materials, services, facilities or anything of value has been received, [~~and the amount received from that business or political committee and the date of each contribution~~] and whether the contribution was received in cash, by check, by credit card, by electronic transfer or otherwise;

(4) The date of receipt and amount of any anonymous contribution received by the campaign treasurer or deputy campaign treasurer and the disposition that was made of each such contribution pursuant to Section 9-2.9(B) SFCC 1987, including the date when it was donated to the city or to a charity and the identity of the recipient of the donation.

[~~(4)~~](5) The full name and complete mailing address of each individual or business to whom an expenditure has been made, the purpose of each campaign expenditure and the date each expenditure was made. This report shall be itemized with the total amount paid to each individual or business for the goods, services or facilities provided;

[~~(5)~~](6) The full name of the candidate or political committee and the full name and complete address of the campaign treasurer or deputy campaign treasurer;

[~~(6)~~](7) For each contributor, the cumulative total of all contributions made; and

[~~(7)~~](8) Where goods, materials, services, facilities or anything of value other than money is contributed or expended, the monetary value thereof shall be reported at the fair market value.

B. Loans of money, property or other things made to a candidate or political committee during the period covered by the campaign finance statement shall be reported separately in the statement, with the following information:

(1) The total value of all loans received during the period covered by the campaign finance statement;

(2) The full name and address of each lender, the date of the loan, the interest rate and the amount of the loan remaining unpaid;

(3) The cumulative total value of all loans received; and

(4) The total amount of loans remaining unpaid.

C. If a loan has been forgiven or paid by a third person, it shall be reported pursuant to this section.

D. Investments made with campaign funds under subsection 9-2.9 SFCC 1987 and interest, dividends and/or other income received shall be reported separately in the statement.

Section 5. Section 9-2.12 SFCC 1987 (being Ord. #1998-41, §11, as amended) is amended to read:

9-2.12 Campaign Finance Statement; Signing.

Each campaign finance statement shall be signed under oath and acknowledged by both the campaign treasurer or deputy campaign treasurer and the candidate and shall contain a statement that the campaign finance statement has been prepared with all reasonable diligence and that it is true and complete; however, the campaign finance statement of a candidate for municipal judge is not required to be signed or acknowledged by the candidate.

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Section 6. Section 9-3.3 SFCC 1987 (being Ord. #2009-44, §4, as amended) is amended to read:

9-3.3 Definitions.

As used in this Article, the following terms have the following meanings:

A. Campaign depository means a bank, mutual savings bank, savings and loan association or credit union doing business in this state under which a campaign account or accounts are maintained.

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

C. Candidate means any individual who seeks election to a Santa Fe municipal office. An individual shall be a candidate when they:

(1) Announce publicly;

(2) File for office;

(3) When contributions are accepted or expenditures made; or when

(4) Any activity is held to promote an election campaign of an individual if that activity is endorsed or supported by that person or if the benefits of such activity are later accepted by such person.

D. Contested race means a race in which there are at least two (2) candidates for the office sought.

E. Contribution means a loan, loan guarantee, gift, advance, pledge, contract, agreement or promise of money or anything of value or other obligation, whether or not legally enforceable, made directly or indirectly, to a candidate or political committee for the purpose of influencing the outcome of a municipal election.

(1) The term "contribution" includes:

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

(b) The transfer of anything of value [~~, including personal and professional services,~~] for less than full consideration;

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

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

(e) The purchase [~~of over twenty-five dollars ($25.00)~~] of tickets for fundraising events such as dinners, rallies, raffles, etc. and the proceeds of collections at fundraising events [~~which are not otherwise reported~~].

(2) The term "contribution" does not include:

(a) A volunteer's personal services provided without compensation or the travel or personal expenses of such a campaign worker; and

(b) The cost of an event held in honor of or on behalf of a candidate when the total cost of the event amounts to no more than two hundred dollars ($200.00).

F. Election means any regular or special Santa Fe municipal election.

G. Expenditure means a payment or transfer of anything of value in exchange for goods, services, property, facilities or anything of value for the purpose of assisting, benefiting or honoring any public official or candidate, or assisting in furthering or opposing any election campaign for a candidate or ballot proposition. This includes contributions, subscriptions, distributions, loans,

advances, deposits, or gifts of money or anything of value, and includes a contract, a promise or agreement, whether or not legally enforceable, to make an expenditure. The term "expenditure" also means the transfer of funds or anything of value between political committees. In determining the dollar value of an expenditure, only that proportion of a payment or transfer of anything of value that is directly related to the campaign shall be considered an expenditure.

H. Fund means the public campaign finance fund created by Section 9-3.4 SFCC 1987.

I. Non-participating candidate means a candidate who is not a participating candidate.

J. Participating candidate means a candidate who has qualified and has been certified pursuant to Section 9-3.9 SFCC 1987 as eligible to receive payments from the fund.

K. Qualified elector means a person who is registered to vote in the city of Santa Fe.

L. Qualifying contribution means a contribution of no more or 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. 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 Section 9-3.6 SFCC 1987 and used exclusively for the purposes specified in that section.

P. Uncontested race means a race in which there is only one (1) candidate for the office

sought.

Section 7. Section 9-3.6 SFCC 1987 (being Ord. #2009-44, §7, as amended) is amended to read:

9-3.6 Seed Money Contributions.

A. A candidate seeking to become a participating candidate may solicit and accept seed money contributions to defray expenses incurred in obtaining qualifying contributions and in seeking certification as a participating candidate.

B. The aggregate amount of seed money contributions from any one contributor shall not exceed one hundred dollars ($100.), and the aggregate amount of seed money contributions accepted by a candidate shall not exceed ten percent (10%) of the amount payable under Section 9-3.10 SFCC 1987 to a candidate in a contested election for the office sought.

C. Each seed money contribution shall be accompanied by a form signed by the contributor, which shall include the contributor's name, home address, [~~and~~] telephone number, occupation and name of employer. [~~The form for a contribution exceeding twenty-five dollars ($25.00) shall also state the contributor's occupation and name of employer~~].

D. All seed money contributions received by a candidate shall be deposited in a non-interest-bearing account in a campaign depository to be established by the candidate before soliciting or accepting any such contributions. All expenditures of seed money shall be made from the campaign depository.

E. Seed money contributions shall be used only for the purposes specified in paragraph A. of this Section, and all seed money contributions that have not been spent or used for such purposes by the time the candidate applies for certification as a participating candidate or by the end of the qualifying period, whichever is sooner, shall then be paid over to the municipal clerk for deposit in the fund; provided, however, that if payment of all of the candidate's unspent seed money to the municipal clerk would cause the bank account in the campaign depository to be closed, an

amount of seed money necessary to keep the account open may be temporarily retained in the account and paid over to the municipal clerk at a later time in compliance with paragraph C of Section 9-3.10 SFCC 1987.

Section 8. Section 9-3.7 SFCC 1987 (being Ord. #2009-44, §8, as amended) is amended to read:

9-3.7 Qualifying Contributions.

A. Each qualifying contribution shall be accompanied by a form signed by the contributor, which shall include the contributor's name, registered address and telephone number.

B. No candidate or person acting on a candidate's behalf shall pay to any other person any form of compensation for soliciting or obtaining a qualifying contribution.

C. No person shall knowingly make and no candidate shall knowingly receive a qualifying contribution which is not from the person named on the form or for which the person named on the form has been or will be reimbursed or compensated by another person.

D. All qualifying contributions received by a candidate shall be deposited in a non-interest-bearing account in a campaign depository to be established by the candidate before soliciting or accepting any such contributions, and shall be paid over to the municipal clerk for deposit in the fund when the candidate applies for certification as a participating candidate or when the qualifying period ends, whichever is sooner.

Section 9. Section 9-3.8 SFCC 1987 (being Ord. #2009-44, §9, as amended) is amended to read:

9-3.8 Application for Certification as a Participating Candidate.

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

B. The application shall identify the candidate and the office that the candidate is

seeking, and shall set forth:

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

(2) The candidate's averment under oath that the candidate has accepted no contributions to the candidate's current campaign other than qualifying contributions and seed money contributions solicited and accepted pursuant to Sections 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 accept any further contributions [~~and~~] or make any further expenditures from any sources other than payments received from the fund pursuant to Section 9-3.10 SFCC 1987.

C. The application shall be accompanied by:

(1) 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) Copies of forms signed by contributors for all seed money contributions and qualifying contributions received by the candidate; and

(3) 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 [~~and not yet spent for the purposes specified in paragraph A of Section 9-3.6 SFCC 1987.~~] except:

(a) amounts previously spent for the purposes specified in paragraph A of Section 9-3.6 SFCC 1987; and

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

Section 10. Section 9-3.10 SFCC 1987 (being Ord. #2009-44, §11, as amended) is amended to read:

9-3.10 Payments to Participating Candidates.

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

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

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

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

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

B. If the amounts required to be paid to candidates under paragraph A of this Section exceed the total amount available in the fund, each payment shall be reduced in proportion to the amount of such excess. Any such proportionate reduction in the payment due to any candidate under paragraph A of this Section shall give the candidate the option to reject the payment and to withdraw as a participating candidate. A candidate who withdraws as a participating candidate pursuant to this paragraph shall file an affidavit with the municipal clerk so stating and shall thenceforth be treated for all purposes as a non-participating candidate relieved of all obligations and restrictions and excluded

from all benefits and exemptions imposed or conferred on a participating candidate by this Article 9-3 SFCC 1987.

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

Section 11. Section 9-3.11 SFCC 1987 (being Ord. #2009-44, §12, as amended) is amended to read:

9-3.11 Use of Payments from the Fund; the Fund as Exclusive Source.

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

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

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

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

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

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

(5) Payment of legal expenses or any fine levied by a court or the ethics and

campaign review board.

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

C. All payments from the fund received by a participating candidate which have not been spent or obligated for the purposes specified in paragraph A of this Section and any tangible assets purchased with such payments remaining in the possession of the campaign as of the date of the election shall be returned by the candidate and shall be [~~paid over~~] conveyed to the municipal clerk [~~for deposit to the fund~~] within [~~ten days (10)~~] forty-five (45) days after that date. Returned payments shall be deposited in the fund. Tangible assets shall be conveyed to the city for its use or disposition in accordance with the city's procurement code. Proceeds from such disposition shall be deposited in the fund.

D. In accordance with the agreement entered into pursuant to subparagraph B(4) of Section 9-3.8 SFCC 1987, a candidate who has been certified as a participating candidate shall not thereafter accept any contribution to the candidate's campaign other than payments received from the fund pursuant to Section 9-3.10 SFCC 1987, and shall not make any expenditure in support of the candidate's campaign from any source other than payments so received and previously deposited in the candidate's campaign depository.

Section 12. Section 9-3.14 SFCC 1987 (being Ord. #2009-44, §15, as amended) is amended to read:

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

A. A participating candidate shall file with the municipal clerk reports under oath of expenditures made from the payments received from the fund, showing the date and amount of each expenditure, the name and address of the person or organization to whom it was made, the purpose of the expenditure, the aggregate amount of expenditures made to each person or organization and the aggregate amount of all expenditures made by the candidate or by his or her campaign.

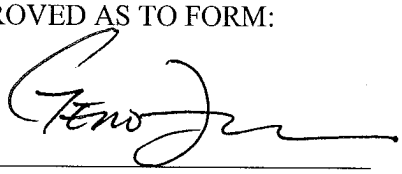
B. The reports required by paragraph A of this Section shall be filed on each of the days

prescribed for the filing of campaign finance statements by Section 9-2.10 SFCC 1987.

C. Except as provided in paragraphs A and B of this Section and paragraph C of Section 9-3.8 SFCC 1987, participating candidates are exempt from the requirement to file campaign finance statements imposed by Sections 9-2.10 SFCC 1987 through 9-2.12 SFCC 1987 and from the requirement to file campaign records with the municipal clerk imposed by paragraph C of Section 9-2.9 SFCC 1987; provided, however, that campaign records shall be maintained in the manner required by the applicable provisions of the Campaign Code (Article 9-2 SFCC 1987) and shall be made available upon request to the municipal clerk and the ethics and campaign review board.

D. A seed money and qualifying contribution report of a candidate for municipal judge is not required to be signed or acknowledged by the candidate.

APPROVED AS TO FORM:



GENO ZAMORA, CITY ATTORNEY