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**CITY OF SANTA FE, NEW MEXICO**

**BILL NO. 2013-32**

**INTRODUCED BY:**

Councilor Calvert

**AN ORDINANCE**

**RELATING TO THE CAMPAIGN CODE, SECTION 9-2 SFCC 1987 AND THE PUBLIC CAMPAIGN FINANCE CODE, SECTION 9-3 SFCC 1987: AMENDING SUBSECTIONS 9-2.9 AND 9-2.11 SFCC 1987 TO PROVIDE UNIFORMITY IN CAMPAIGN TREASURER DUTIES AND AMENDING SUBSECTION 9-3.14 SFCC 1987 TO CLARIFY THAT A CANDIDATE FOR MUNICIPAL JUDGE IS NOT REQUIRED TO SIGN EXPENDITURE REPORTS.**

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

**Section 1. Subsection 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 and the Public Campaign Finance Code shall reflect the requirements in subsection 9-2.11 SFCC 1987 and Section 9-3 SFCC 1987, respectively.**

1           B.     The campaign treasurer or deputy campaign treasurer shall maintain:

2                     (1)     receipts reflecting the purpose of each expenditure and the day and method  
3                     of payment; and

4                     (2)     all campaign bank records, including deposit slips and canceled checks.

5     [shall include but not be limited to:

6                     (1) ~~— The full name and complete mailing address and principal business or~~  
7                     ~~occupation of every individual contributor for the period of time beginning with the~~  
8                     ~~acceptance of the first contribution;~~

9                     (2) ~~— The full name, complete mailing address of every business contributor for the~~  
10                    ~~period of time beginning with the acceptance of the first contribution;~~

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

12                    (4) ~~— The aggregate donated by each such contributor;~~

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

16                    (6) ~~— All campaign bank records, including deposit slips and canceled checks.]~~

17     [B]C.     The campaign treasurer or deputy campaign treasurer shall not accept anonymous  
18     contributions. Any such contribution received by the campaign treasurer or deputy campaign  
19     treasurer shall, within seven (7) days of receipt, be donated to a charity or to the city's general fund.  
20     The campaign treasurer or deputy campaign treasurer shall keep a record of the amount and date of  
21     receipt of any such contributions and of the disposition that was made of the contribution, including  
22     the date when it was donated to the city or to a charity and the identity of the recipient of the  
23     donation.

24     [€]D.     Records required to be kept by the campaign treasurer or deputy campaign  
25     treasurer under the terms of paragraph A [~~items (1), (2), (3) and (4)~~] of this subsection, shall be filed

1 with the city clerk as part of the public record, shall be provided to the ethics and campaign review  
2 board set forth in Section 6-16, SFCC 1987 upon request and may be inspected by the public during  
3 usual business hours, Monday through Friday, excluding legal holidays.

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

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

12 ~~[F]~~G. The campaign treasurer or deputy campaign treasurer shall deposit within five (5)  
13 business days after receipt all monetary contributions received by a candidate, political committee,  
14 campaign treasurer or deputy campaign treasurer in the campaign depository designated for that  
15 purpose.

16 ~~[G]~~H. Campaign funds shall be used and distributed as follows:

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

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

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

1 proposition;

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

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

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

11 (a) Expenditures of the campaign;

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

15 (c) Donations to charities; or

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

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

23 [H]I. A campaign treasurer, deputy campaign treasurer or political committee may invest  
24 funds deposited in the campaign account in an account of indebtedness of a financial institution up to  
25 the amount of federal deposit insurance; United States bonds or certificates of indebtedness or those

1 of a federal agency; and/or bonds or warrants of the state or any municipal corporation of the state.  
2 All interest, dividends, and/or other income derived from the investment and the principal when  
3 repaid shall be deposited in the campaign account.

4 **Section 2. Section 9-2.11 SFCC 1987 (being Ord. #1998-41, §10, as amended) is**  
5 **amended to read:**

6 **9-2.11 Campaign Finance Statement; Contents.**

7 A. Each campaign finance statement shall be filed in accordance with subsection 9-2.10  
8 SFCC 1987. The initial statement shall begin with the date of the first contribution or expenditure.  
9 Subsequent statements shall begin on the day after the end date of the previous reporting period.  
10 Statements shall contain the following information:

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

16 (2) The full name, home address, occupation, name of employer, date of receipt  
17 and amount of each contribution received from each individual contributor from whom a  
18 contribution in money, goods, materials, services, facilities or anything of value has been  
19 received and whether the contribution was received in cash, by check, by credit card, by  
20 electronic transfer or otherwise;

21 (3) The full name, type of business, physical address, date of receipt and amount  
22 of each contribution for each business contributor, from whom a contribution in money,  
23 goods, materials, services, facilities or anything of value has been received, and whether the  
24 contribution was received in cash, by check, by credit card, by electronic transfer or  
25 otherwise;

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

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

9 (6) The full name of the candidate or political committee and the full name and  
10 complete address of the campaign treasurer or deputy campaign treasurer;

11 (7) For each contributor, the cumulative total of all contributions made; and

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

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

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

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

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

23 (4) The total amount of loans remaining unpaid.

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

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

3 **Section 3. Subsection 9-3.14 SFCC 1987 (being Ord. #2009-44, §15, as amended) is**  
4 **amended to read:**

5 **9-3.14 Reports of Expenditures; Exemption from Certain Reporting Requirements.**

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

11 B. The reports required by paragraph A of this subsection shall be filed on each of the  
12 days prescribed for the filing of campaign finance statements by subsection 9-2.10 SFCC 1987.

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

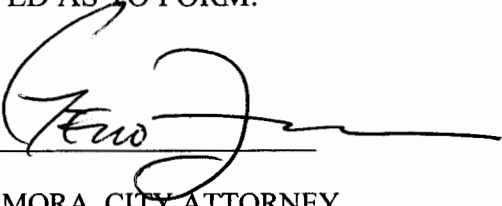
21 D. A seed money and qualifying contribution report and an expenditure report of a  
22 candidate for municipal judge [is] are not required to be signed or acknowledged by the candidate.

23 **Section 4. EFFECTIVE DATE.** This Ordinance shall be effective immediately upon  
24 adoption.

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APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read "Geno", is written over a horizontal line. The signature is stylized and extends to the right of the line.

GENO ZAMORA, CITY ATTORNEY