

1 **CITY OF SANTA FE, NEW MEXICO**

2 **ORDINANCE NO. 2019-10**

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4  
5 **AN ORDINANCE**

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

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

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

13 **9-3.5 Eligibility as a Participating Candidate.**

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

17 A. Meets the requisites to be listed on the ballot as a certified candidate for  
18 municipal office pursuant to the provisions of Subsection D of Section 1-22-3.2 NMSA 1978 and  
19 Article IV Section 4.03 of the Santa Fe Municipal Charter;

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

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

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

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

3                   C. Submits an application for certification pursuant to subsection 9-3.8 SFCC 1987  
4 setting forth the agreement and the averments and accompanied by the supporting documents and  
5 payments that are required by that section.

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

8                   **9-3.8 Application for Certification as a Participating Candidate.**

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

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

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

17                   (2) The candidate's averment under oath that the candidate has accepted no  
18 contributions to the candidate's current campaign other than qualifying contributions  
19 and seed money contributions solicited and accepted pursuant to subsections 9-3.6  
20 SFCC 1987 and 9-3.7 SFCC 1987;

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

24                   (4) The candidate's agreement that his or her current campaign will not  
25 solicit, direct, or accept any further contributions or make any further expenditures

1 from any sources other than payments received from the fund pursuant to subsections  
2 9-3.10 and 9-3.13 SFCC 1987 and qualified small contributions received pursuant to  
3 subsection 9-3.12 SFCC 1987.

4 C. The application shall be accompanied by:

5 (1) A sworn declaration of candidacy in the form prescribed by Section 1-22-  
6 8 NMSA 1978;

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

10 (3) Reports listing all seed money contributions and qualifying  
11 contributions received by the candidate and all expenditures of seed money  
12 contributions made by the candidate, and showing the aggregate amounts of all such  
13 contributions and expenditures and the aggregate amounts of all contributions received  
14 from each contributor;

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

17 (5) A check or checks issued to the city of Santa Fe from the  
18 candidate's campaign depository for the amount of all qualifying contributions  
19 received by the candidate and all seed money contributions received by the candidate  
20 except:

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

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

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

3           **9-3.9 Certification as a Participating Candidate**

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

9           B.       On or before the eighty-ninth (89th) day before the election the city clerk shall  
10 make a determination whether the candidate's application complies with the requirements of  
11 subsection 9-3.8 SFCC 1987 and whether the candidate satisfies the requisites for certification as  
12 a participating candidate prescribed by subsection 9-3.5 SFCC 1987, and shall thereupon issue a  
13 decision, in accordance with the determination so made, granting or refusing such certification to  
14 the candidate.

15           C.       The city clerk may revoke a candidate's certification as a participating candidate  
16 for any violation by the candidate of the requirements of this section, and may require any  
17 candidate whose certification has been revoked to pay over to the city clerk for deposit in the  
18 fund any amounts previously paid to the candidate pursuant to subsections 9-3.10 and 9-3.13  
19 SFCC 1987.

20           PASSED, APPROVED, and ADOPTED this 29<sup>th</sup> day of May, 2019

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24 ALAN M. WEBBER, MAYOR  
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1 ATTEST:

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4 YOLANDA Y. VIGIL, CITY CLERK

5 APPROVED AS TO FORM:

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8 ERIN K. McSHERRY, CITY ATTORNEY

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25 *Legislation/2019/Ordinances/2019-10 Public Campaign Finance Changes*