

1 CITY OF SANTA FE, NEW MEXICO

2 ORDINANCE NO. 2018-28

3
4
5 AN ORDINANCE

6 AMENDING SECTION 9-3 SFCC 1987, THE PUBLIC CAMPAIGN FINANCE CODE,
7 TO INCLUDE A DEFINITION FOR QUALIFIED SMALL CONTRIBUTION;
8 ESTABLISHING A CEILING FOR THE PUBLIC CAMPAIGN FINANCE FUND;
9 ESTABLISHING A NEW SECTION REGARDING QUALIFIED SMALL
10 CONTRIBUTIONS; ESTABLISHING A NEW SECTION MANDATING MATCHING
11 PAYMENTS BY THE CITY; ESTABLISHING A NEW SECTION REGARDING
12 REPORTING OF QUALIFIED SMALL CONTRIBUTIONS AND MATCHING
13 PAYMENTS; AND REPLACING ALL REFERENCES IN CHAPTER 9 OF MUNICIPAL
14 CLERK TO CITY CLERK.

15
16 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

17 Section 1. Section 9-3.3 SFCC 1987 (being Ord. No. 2009-44, § 4, as amended)
18 is amended to read:

19 **9-3.3 Definitions.**

20 As used in this section, the following terms have the following meanings:

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

24 B. *Campaign materials* means any published communication, electronic or otherwise,
25 disseminated to more than one hundred (100) persons that either supports the election or defeat of

1 any identifiable candidate or candidates or supports the approval or defeat of a ballot proposal,
2 other than communications to, or editorials, reports, or commentary by news media.

3 C. *Candidate* means any individual who seeks election to a Santa Fe municipal office.

4 An individual shall be a candidate when they:

- 5 (1) Announce publicly;
- 6 (2) File for office;
- 7 (3) When contributions are accepted or expenditures made; or when
- 8 (4) Any activity is held to promote an election campaign of an individual if
- 9 that activity is endorsed or supported by that person or if the benefits of such activity are
- 10 later accepted by such person.

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

13 E. *Contribution* means a loan, loan guarantee, gift, advance, pledge, contract,
14 agreement or promise of money or anything of value or other obligation, whether or not legally
15 enforceable, made directly or indirectly, to a candidate or political committee, or to a person
16 obligated to file a report under subsection 9-2.6 SFCC 1987, for the purpose of supporting or
17 opposing the election of a candidate or the approval or defeat of a ballot proposition.

- 18 (1) The term "contribution" includes:
 - 19 (a) The transfer of funds or anything of value between political
 - 20 committees;
 - 21 (b) The transfer of anything of value for less than full consideration;
 - 22 (c) Interest, dividends or other income derived from the investment
 - 23 of campaign funds;
 - 24 (d) The payment for the services of an individual serving on behalf
 - 25 of a candidate or political committee, which payments are made by a third party;

1 (e) The purchase of tickets for fundraising events such as dinners,
2 rallies, raffles, etc. and the proceeds of collections at fundraising events; and

3 (f) A coordinated expenditure.

4 (2) The term "contribution" does not include a volunteer's personal services
5 provided without compensation or the travel or personal expenses of such a campaign
6 worker.

7 F. *Coordinated expenditure* means an expenditure that is made:

8 (1) by an individual or entity other than a candidate or the candidate's
9 political committee; and

10 (2) in cooperation, consultation or concert with, or at the request or
11 suggestion of, a candidate, his/her representatives or agents or the candidate's political
12 committee, including but not limited to, the following examples in subsections 9-
13 3.3(F)(2)(a)-(d):

14 (a) there has been substantial discussion between the individual or
15 entity and the candidate, candidate's political committee or his/her
16 representatives or agents. Substantial discussion includes, but is not limited to, an
17 exchange of campaign strategies, polling information, voter lists or any other
18 similar information that would facilitate the election or defeat of a candidate;

19 (b) an entity making the expenditure is directly or indirectly formed
20 or established by or at the request or suggestion of, or with the encouragement of
21 the candidate, candidate's political committee or his/her representatives or
22 agents;

23 (c) the candidate, candidate's political committee or his/her
24 representatives or agents has solicited funds or engaged in other fundraising
25 activities on behalf of the person or entity making the expenditure during the

1 twelve-month period preceding the date of the expenditure. Fundraising
2 activities~~[,]~~ include, but are not limited to, exchanging names of potential donors
3 or other lists to be used in engaging in fundraising activity, regardless of whether
4 or not the individual or entity pays fair market value for the names or lists
5 provided; or being a featured guest or speaker at a fundraising event for the
6 benefit of the entity making the expenditure;

7 (d) if the individual or entity making the expenditure has employed,
8 has in a leadership position, or has accepted a donation of the campaign related
9 professional services of any person, who, during the twelve-month period
10 preceding the date of the expenditure, has been an employee of, has advised, or
11 provided or is providing services to the candidate or candidate's political
12 committee. These services include, but are not limited to, any services in support
13 of the candidate's or candidate's political committee's campaign activities, such
14 as advertising, message, strategy or policy services, polling, allocation of
15 resources, fundraising or campaign operations.

16 (e) an expenditure is not a coordinated expenditure solely because:

17 (i) the individual or entity and a candidate or candidate's
18 political committee use the same vendor to provide polling services,
19 printing or distribution services or physical space, provided that the
20 vendor has in place prior to the expenditure a firewall to ensure that there
21 is no exchange of information between the individual or entity and the
22 candidate or campaign committee. Evidence of an adequate firewall is a
23 vendor's formal written policy or a contractual agreement with the
24 vendor prohibiting the exchange of information between the individual
25 or entity and the candidate or candidate's political committee, which

1 policy or contract is distributed to all relevant employees, consultants
2 and clients affected by the policy or contract. The firewall shall be
3 designed and implemented to prohibit the flow of information between
4 employees and consultants providing services to the individual and entity
5 and to those currently or previously providing services to the candidate
6 or candidate's political committee. Coordination will be presumed in the
7 absence of such a firewall; or

8 (ii) the individual or entity making the expenditure
9 interviews a candidate; has endorsed a candidate; has obtained from the
10 candidate a biography of the candidate or a position paper, press release,
11 or similar material about the candidate; has invited the candidate to make
12 an appearance before the person's members, employees or shareholders;
13 or has shared space with a candidate or candidate's political committee
14 for one (1) or more single events of limited duration.

15 G. *Election* means any regular or special Santa Fe municipal election.

16 H. *Expenditure* means a payment or transfer of anything of value in exchange for
17 goods, services, property, facilities or anything of value for the purpose of supporting or opposing
18 the election of a candidate or the approval or defeat of a ballot proposition. This includes
19 contributions, subscriptions, distributions, loans, advances, deposits, or gifts of money or
20 anything of value, and includes a contract, a promise or agreement, whether or not legally
21 enforceable, to make an expenditure. The term "expenditure" also means the transfer of funds or
22 anything of value between political committees.

23 I. *Fund* means the public campaign finance fund created by subsection 9-3.4 SFCC
24 1987.

25 J. *Non-participating candidate* means a candidate who is not a participating

1 candidate.

2 K. *Participating candidate* means a candidate who has qualified and has been
3 certified pursuant to subsection 9-3.9 SFCC 1987 as eligible to receive payments from the fund.

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

5 M. *Qualified small contribution* means a contribution of no more than one hundred
6 dollars (\$100.00) made and accepted in compliance with the provisions of subsection 9-3.12
7 SFCC 1987.

8 N. *Qualifying contribution* means a contribution of no more [~~or~~] and no less than
9 five dollars (\$5.00) that is received from a qualified elector during the qualifying period by a
10 candidate seeking to become a participating candidate. A candidate for councilor shall only
11 receive qualifying contributions from qualified electors registered to vote in the council district in
12 which the candidate is running.

13 O. *Qualifying period* means the period during which a candidate seeking to become a
14 participating candidate is permitted to collect qualifying contributions and to apply for
15 certification as a participating candidate. It begins one hundred eighty-three (183) days before the
16 election and ends one hundred six (106) days before the election.

17 P. *Race* means the electoral process in which one (1) or more candidates run and one
18 (1) candidate is elected to the office of mayor, municipal judge or city councilor for a particular
19 district.

20 Q. *Seed money contribution* means a contribution of no more than one hundred
21 dollars (\$100.00) made and accepted in compliance with the provisions of subsection 9-3.6 SFCC
22 1987 and used exclusively for the purposes specified in that section.

23 R. *Uncontested race* means a race in which there is only one (1) candidate for the
24 office sought.

25 **Section 2. Subsection 9-3.4 SFCC 1987 (being Ord. No. 2009-44, § 5, as**

1 **amended) is amended to read**

2 **9-3.4 Public Campaign Finance Fund**

3 A. A dedicated public campaign finance fund ("the fund") is established to be
4 administered by the city clerk for the purpose of providing public financing for the election
5 campaigns of participating candidates. Monies in the fund and disbursed from the fund to
6 participating candidates are public monies entrusted to the candidates to be used solely for the
7 public purposes specified in this Section 9-3 SFCC 1987.

8 B. Each fiscal year, the sum of one hundred fifty thousand dollars (\$150,000.00)
9 shall be budgeted for and deposited in the fund.

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

12 (1) That the balance in the fund one hundred nineteen (119) days preceding
13 each election for mayor and four (4) council seats is at least six hundred thousand dollars
14 (\$600,000.00); and

15 (2) That the balance in the fund one hundred nineteen (119) days preceding
16 each election for municipal judge and four (4) council seats is at least three hundred thousand
17 dollars (\$300,000.00).

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

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

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

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

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

3 (5) Voluntary donations made to the fund;

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

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

7 E. A deposit to the fund pursuant to paragraph B of this subsection shall not be
8 made if the balance in the fund prior to the deposit exceeds eight hundred thousand dollars
9 (\$800,000.00). If a deposit to the fund pursuant to paragraph B of this subsection would cause
10 the balance in the fund to exceed eight hundred thousand dollars (\$800,000.00), only so much of
11 the deposit shall be made as will increase the balance to that amount and no more.

12 **Section 3. Section 9-3.5 SFCC 1987 (being Ord. No. 2009-44, § 6, as amended)**
13 **is amended to read:**

14 **9-3.5 Eligibility as a Participating Candidate.**

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

18 A. Meets the requisites to be listed on the ballot as a certified candidate for municipal
19 office pursuant to the provisions of Section 3-8-27 (B) through (E) NMSA 1978 and Article IV,
20 Section 4.03 of the Santa Fe Municipal Charter;

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

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

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

1 council district in which the candidate is running;

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

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

7 **Section 4. Section 9-3.6 SFCC 1987 (being Ord. No. 2009-44, § 7, as amended)**
8 **is amended to read:**

9 **9-3.6 Seed Money Contributions.**

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

13 B. The aggregate amount of seed money contributions from any one contributor to
14 any one candidate shall not exceed one hundred dollars (\$100.00), and the aggregate amount of
15 seed money contributions accepted by a candidate shall not exceed ten percent (10%) of the
16 amount payable under subsection 9-3.10 SFCC 1987 to a candidate in a contested election for the
17 office sought.

18 C. Each seed money contribution shall be accompanied by a form signed by the
19 contributor, which shall include the contributor's name, home address, telephone number,
20 occupation and name of employer. The ethics and campaign review board may, by regulation,
21 permit the use of an electronic signature on such forms.

22 D. No person shall knowingly make and no candidate shall knowingly receive a seed
23 money contribution which is not from the person named on the form or for which the person
24 named on the form has been or will be reimbursed or compensated by another person.

25 E. All seed money contributions received by a candidate shall be deposited in a non-

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

4 F. Seed money contributions shall be used only for the purposes specified in
5 paragraph A. of this subsection, and all seed money contributions that have not been spent or used
6 for such purposes by the time the candidate applies for certification as a participating candidate or
7 by the end of the qualifying period, whichever is sooner, shall then be paid over to the municipal
8 clerk for deposit in the fund; provided, however, that if payment of all of the candidate's unspent
9 seed money to the ~~municipal~~ city clerk would cause the bank account in the campaign
10 depository to be closed, an amount of seed money necessary to keep the account open may be
11 temporarily retained in the account and paid over to the ~~municipal~~ city clerk at a later time in
12 compliance with paragraph C of subsection 9-3.10 SFCC 1987.

13 **Section 5. Section 9-3.7 SFCC 1987 (being Ord. No. 2009-44, § 8, as amended)**
14 **is amended to read:**

15 **9-3.7 Qualifying Contributions.**

16 A. Each qualifying contribution shall be accompanied by a form signed by the
17 contributor, which shall include the contributor's name, registered address and telephone number.
18 The ethics and campaign review board may, by regulation, permit the use of an electronic
19 signature on such forms.

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

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

25 D. All qualifying contributions received by a candidate shall be deposited in a non-

1 interest-bearing account in a campaign depository to be established by the candidate before
2 soliciting or accepting any such contributions, and shall be paid over to the city clerk for deposit
3 in the fund when the candidate applies for certification as a participating candidate or when the
4 qualifying period ends, whichever is sooner.

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

7 **9-3.8 Application for Certification as a Participating Candidate.**

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

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

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

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

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

23 (4) The candidate's agreement that his or her current campaign will not
24 solicit, direct or accept any further contributions or make any further expenditures
25 from any sources other than payments received from the fund pursuant to subsection

1 9-3.10 and 9-3.13 SFCC 1987 and qualified small contributions received pursuant to
2 subsection 9-3.12 SFCC 1987.

3 C. The application shall be accompanied by:

4 (1) Reports listing all seed money contributions and qualifying
5 contributions received by the candidate and all expenditures of seed money
6 contributions made by the candidate, and showing the aggregate amounts of all such
7 contributions and expenditures and the aggregate amounts of all contributions received
8 from each contributor;

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

11 (3) A check or checks issued to the city of Santa Fe from the candidate's
12 campaign depository for the amount of all qualifying contributions received by the
13 candidate and all seed money contributions received by the candidate except:

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

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

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

21 **9-3.9 Certification as a Participating Candidate.**

22 A. On or before the eighty-ninth (89th) day before the election the city clerk shall
23 make a determination whether the candidate's application complies with the requirements of
24 subsection 9-3.8 SFCC 1987 and whether the candidate satisfies the requisites for certification as
25 a participating candidate prescribed by subsection 9-3.5 SFCC 1987, and shall thereupon issue a

1 decision, in accordance with the determination so made, granting or refusing such certification to
2 the candidate.

3 B. The city clerk may revoke a candidate's certification as a participating candidate
4 for any violation by the candidate of the requirements of this section, and may require that any
5 candidate whose certification has been revoked to pay over to the city clerk for deposit in the
6 fund any amounts previously paid to the candidate pursuant to subsections 9-3.10 and 9-3.13
7 SFCC 1987.

8 **Section 8. Section 9-3.11 SFCC 1987 (being Ord. No. 2009-44, § 12, as**
9 **amended) is amended to read:**

10 **9-3.11 Use of Payments from the Fund.**

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

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

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

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

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

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

1 (5) Payment of legal expenses or any fine levied by a court or the ethics and
2 campaign review board;

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

4 (7) Reimbursement to the candidate or any other person for campaign
5 expenditures made from personal funds or with a personal credit card.

6 C. All payments from the fund received by a participating candidate which have not
7 been spent or obligated for the purposes specified in paragraph A of this subsection and any
8 electronic, telecommunication or computer tangible assets purchased with such payments
9 remaining in the possession of the campaign as of the date of the election shall be returned by the
10 candidate and shall be conveyed to the city clerk within forty-five (45) days after that date.
11 Returned payments shall be deposited in the fund. Tangible assets shall be conveyed to the city
12 for its use or disposition in accordance with the city's procurement code. Proceeds from such
13 disposition shall be deposited in the fund.

14 D. In accordance with the agreement entered into pursuant to subparagraph B(4) of
15 subsection 9-3.8 SFCC 1987, a candidate who has been certified as a participating candidate shall
16 not thereafter accept any contribution to the candidate's campaign other than payments received
17 from the fund pursuant to subsections 9-3.10 and 9-3.13 SFCC 1987 and qualified small
18 contributions received pursuant to subsection 9-3.12 SFCC 1987, and shall not make any
19 expenditure in support of the candidate's campaign from any source other than payments and
20 contributions so received and previously deposited in the candidate's campaign depository.

21 **Section 9. A new Subsection 9-3.12 SFCC 1987 is ordained to read:**

22 **9-3.12 Qualified Small Contributions.**

23 A. A participating candidate may solicit and accept qualified small contributions
24 beginning on the date on which the candidate is certified as a participating candidate pursuant to
25 subsection 9-3.9(A) SFCC 1987.

1 B. The aggregate amount of qualified small contributions from any one contributor
2 to any one candidate shall not exceed one hundred dollars (\$100.00).

3 C. The aggregate amount of qualified small contributions accepted by a
4 participating candidate shall not exceed:

5 (1) for a candidate for mayor, fifty percent (50%) of the amount initially
6 paid to the candidate pursuant to subsection 9-3.10 SFCC 1987; and

7 (2) for a candidate for council or municipal judge, twenty-five percent (25%)
8 of the amount initially paid to the candidate pursuant to subsection 9-3.10 SFCC 1987.

9 D. Each qualified small contribution shall be accompanied by a form signed by the
10 contributor, which shall include the contributor's name, home address, telephone number,
11 occupation and name of employer. The ethics and campaign review board may, by regulation,
12 permit the use of an electronic signature on such forms.

13 E. No person shall knowingly make and no candidate shall knowingly receive a
14 qualified small contribution which is not from the person named on the form or for which the
15 person named on the form has been or will be reimbursed or compensated by another person.

16 F. Before soliciting or accepting qualified small contributions, a candidate shall
17 appoint a treasurer and establish a campaign depository in the manner required by subsection 9-
18 2.8 SFCC 1987. All qualified small contributions received by a candidate shall be recorded by
19 the candidate's campaign treasurer, deposited in a separate non-interest-bearing account in the
20 campaign depository and used in the candidate's campaign or disposed of following the election
21 in the manner required by subsection 9-2.9 SFCC 1987. All such contributions shall be timely
22 reported in a campaign finance statement prepared in the manner required by subsections 9-2.10
23 through 9-2.12 SFCC 1987 and filed on the dates required by subsection 9-2.10 SFCC 1987.
24 Campaign finance statements reporting the receipt of qualified small contributions shall be
25 accompanied by copies of the forms signed by each contributor pursuant to paragraph D of this

1 subsection.

2 **Section 10. A new Subsection 9-3.13 SFCC 1987 is ordained to read:**

3 **9-3.13 Additional Reports of Qualified Small Contributions; Additional Matching**
4 **Payments from the Fund.**

5 A. In addition to filing the campaign finance statements required by subsection 9-
6 3.12(F) SFCC 1987, a participating candidate may file one additional campaign finance statement
7 reporting the receipt of qualified small contributions on the fifty-seventh (57th) day preceding the
8 election.

9 B. Within two (2) business days after the filing of a campaign finance statement by
10 a participating candidate reporting the receipt of qualified small contributions and accompanied
11 by copies of the forms signed by the contributors as required by paragraph D of subsection 9-3.12
12 SFCC 1987, the city clerk shall disburse to the candidate an additional payment from the fund
13 equal to the total amount of the qualified small contributions reported in the campaign finance
14 statement; provided, however, that no such additional matching payments shall be made for
15 contributions reported in a campaign finance statement filed after the twenty-fifth (25th) day
16 preceding the election.

17 C. Additional payments made to a participating candidate pursuant to paragraph B
18 of this subsection shall be deposited in the separate account in the candidate's campaign
19 depository that was established by the candidate for the deposit of payments received from the
20 fund pursuant to paragraph A of subsection 9-3.11.

21 D. The aggregate amount of additional payments made to a participating candidate
22 pursuant to paragraph B of this subsection shall not exceed:

23 (1) for a candidate for mayor, fifty percent (50%) of the amount initially
24 paid to the candidate pursuant to subsection 9-3.10 SFCC 1987; and

25 (2) for a candidate for city council or municipal judge, twenty-five percent

1 (25%) of the amount initially paid to the candidate pursuant to subsection 9-3.10 SFCC
2 1987.

3 E. If the amounts required to be paid to candidates under paragraph B of this
4 subsection exceed the total amount available in the fund, each payment shall be reduced in
5 proportion to the amount of such excess.

6 **Section 11. Section 9-3.14 SFCC 1987 (being Ord. No. 2009-44, § 15, as**
7 **amended) is amended to read:**

8 **9-3.14 Reports of Expenditures; Exemption from Certain Reporting Requirements.**

9 A. A participating candidate shall file with the city clerk reports under oath of
10 expenditures made from the payments received from the fund, indicating that the expenditures
11 were made from that source and showing the date and amount of each such expenditure, the name
12 and address of the person or organization to whom it was made, the purpose of the expenditure,
13 the aggregate amount of such expenditures made to each person or organization and the aggregate
14 amount of all such expenditures made by the candidate or by his or her campaign. A copy of each
15 receipt, printed on 8½-inch by 11-inch paper, shall be filed with the city clerk with the reports
16 provided for in this subsection. Each report shall be accompanied by a copy of the most recent
17 bank statement for the separate account established by the candidate for the deposit of payments
18 from the fund pursuant to paragraph A of subsection 9-3.11 SFCC 1987. Within ninety (90) days
19 after the election, the candidate shall file a copy of a final bank statement showing that all funds
20 in the account have been expended or returned to the city in the manner required by paragraphs A
21 and C of subsection 9-3.11 SFCC 1987 and that the account has been closed.

22 B. The reports required by paragraph A of this subsection shall be filed on each of
23 the days prescribed for the filing of campaign finance statements by subsection 9-2.10 SFCC
24 1987.

25 C. A campaign finance statement filed by a participating candidate to report

1 qualified small contributions pursuant to paragraph F of subsection 9-3.12 SFCC 1987 or
2 paragraph A of subsection 9-3.13 SFCC 1987 shall also include a report of all expenditures made
3 during the period covered by the statement from the separate account established by the candidate
4 for the deposit of such contributions pursuant to paragraph F of subsection 9-3.12 SFCC 1987.
5 The statement shall show that the expenditures were made from that source and shall contain all
6 the information concerning the expenditures, account balances and funds on hand that is required
7 for campaign finance statements filed pursuant to subsection 9-2.11 SFCC 1987.

8 D. Except as provided in paragraphs A through C of this subsection, paragraph C
9 of subsection 9-3.8 SFCC 1987, paragraph F of subsection 9-3.12 SFCC 1987 and paragraph A of
10 subsection 9-3.13 SFCC 1987, participating candidates are exempt from the requirement to file
11 campaign finance statements imposed by subsections 9-2.10 SFCC 1987 through 9-2.12 SFCC
12 1987 and from the requirements to file campaign records with the city clerk imposed by
13 paragraph D of subsection 9-2.9 SFCC 1987; provided, however, that campaign records shall be
14 maintained in the manner required by the applicable provisions of the Campaign Code (Section 9-
15 2 SFCC 1987) and shall be made available upon request to the city clerk and the ethics and
16 campaign review board.

17 E. Seed money and qualifying contribution reports, campaign finance statements and
18 contribution and expenditure reports of a candidate for municipal judge are not required to be
19 signed or acknowledged by the candidate.

20 **Section 12 Editor's Note: Chapter 9 SFCC 1987 (being Ordinance #1985-60, as**
21 **amended) is amended to delete all references to "municipal clerk" and insert in lieu thereof**
22 **"city clerk".**

23 PASSED, APPROVED AND ADOPTED this 12th day of December, 2018.
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ALAN M. WEBBER, MAYOR

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

ERIN McSHERRY, CITY ATTORNEY