



# City of Santa Fe, New Mexico

## LEGISLATIVE SUMMARY

Bill No. 2015-35

Early Voting

---

**SPONSOR(S):** Mayor Gonzales, Councilors Dominguez, Rivera, and Dimas

**SUMMARY:** The proposed bill relates to early voting; amends Subsection 9-1.7 SFCC 1987 to authorize the Municipal Clerk to establish alternate early voting locations and requirements for such locations.

**PREPARED BY:** Rebecca Seligman, Legislative Liaison Assistant

**FISCAL IMPACT:** Yes

**DATE:** September 1, 2015

**ATTACHMENTS:** Bill  
FIR

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2015-35

3 INTRODUCED BY:

4  
5 Mayor Javier M. Gonzales                      Councilor Carmichael A Dominguez  
6 Councilor Bill Dimas                              Councilor Christopher M. Rivera  
7 Councilor Peter N. Ives                          Councilor Patti J. Bushee  
8 Councilor Ronald S. Trujillo                      Councilor Joseph M. Maestas  
9

10 AN ORDINANCE

11 RELATING TO EARLY VOTING; AMENDING SUBSECTION 9-1.7 SFCC 1987 TO  
12 AUTHORIZE THE MUNICIPAL CLERK TO ESTABLISH ALTERNATE EARLY VOTING  
13 LOCATIONS AND REQUIREMENTS FOR SUCH LOCATIONS.

14  
15 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

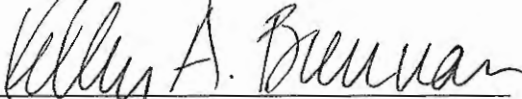
16 Section 1. Subsection 9-1.7 SFCC 1987 (being Ord. #1985-60, §7) is amended to  
17 read:

18 **9-1.7 Polling Places; Early Voting.**

19 A. Polling Places. In addition to the requirements of Section 3-8-11 NMSA 1978, the  
20 governing body shall assure that each election district has not less than one (1) polling place.

21 B. Early Voting. In addition to the requirements of Section 3-8-37.1 NMSA 1978, an  
22 early voter may vote in person on a voting machine beginning on the twentieth day before the election  
23 in the office of the municipal clerk and any other alternate early voting location as established in an  
24 election resolution until the Friday immediately before the date of the election.  
25

1 APPROVED AS TO FORM:

2   
3 \_\_\_\_\_

4 KELLEY A BRENNAN, CITY ATTORNEY

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25 *M/Legislation/Bills 2015/Early Voting*

**City of Santa Fe  
Fiscal Impact Report (FIR)**

This Fiscal Impact Report (FIR) shall be completed for each proposed bill or resolution as to its direct impact upon the City's operating budget and is intended for use by any of the standing committees of and the Governing Body of the City of Santa Fe. Bills or resolutions with no fiscal impact still require a completed FIR. Bills or resolutions with a fiscal impact must be reviewed by the Finance Committee. Bills or resolutions without a fiscal impact generally do not require review by the Finance Committee unless the subject of the bill or resolution is financial in nature.

**Section A. General Information**

(Check) Bill: X #2015-35 Resolution: \_\_\_\_\_

(A single FIR may be used for related bills and/or resolutions)

Short Title(s): AN ORDINANCE RELATING TO EARLY VOTING; AMENDING SUBSECTION 9-1.7 SFCC 1987 TO AUTHORIZE THE MUNICIPAL CLERK TO ESTABLISH ALTERNATE EARLY VOTING LOCATIONS AND REQUIREMENTS FOR SUCH LOCATIONS.

Sponsor(s): Mayor Gonzales, Councilors Dominguez, Rivera and Dimas

Reviewing Department(s): City Clerk's Office

Persons Completing FIR: Yolanda Y. Vigil Date: 8/27/15 Phone: 955-6521

Reviewed by City Attorney: *Kelly A. Benner* Date: 9/4/15  
(Signature)

Reviewed by Finance Director: *Teresta Garcia* Date: 9/4/2015  
(Signature)

**Section B. Summary**

Briefly explain the purpose and major provisions of the bill/resolution:

The proposed bill relates to early voting and would amend Subsection 9-1.7 SFCC 1987 to authorize the Municipal Clerk to establish an alternate early voting location and requirements for such location.

**Section C. Fiscal Impact**

**Note:** Financial information on this FIR does not directly translate into a City of Santa Fe budget increase. For a budget increase, the following are required:

- a. The item must be on the agenda at the Finance Committee and City Council as a "Request for Approval of a City of Santa Fe Budget Increase" with a definitive funding source (could be same item and same time as bill/resolution)
- b. Detailed budget information must be attached as to fund, business units, and line item, amounts, and explanations (similar to annual requests for budget)
- c. Detailed personnel forms must be attached as to range, salary, and benefit allocation and signed by Human Resource Department for each new position(s) requested (prorated for period to be employed by fiscal year)\*

**1. Projected Expenditures:**

- a. Indicate Fiscal Year(s) affected – usually current fiscal year and following fiscal year (i.e., FY 03/04 and FY 04/05)
- b. Indicate: "A" if current budget and level of staffing will absorb the costs  
"N" if new, additional, or increased budget or staffing will be required
- c. Indicate: "R" – if recurring annual costs  
"NR" if one-time, non-recurring costs, such as start-up, contract or equipment costs
- d. Attach additional projection schedules if two years does not adequately project revenue and cost patterns
- e. Costs may be netted or shown as an offset if some cost savings are projected (explain in Section 3 Narrative)

Finance Director: \_\_\_\_\_

\_\_\_\_\_ Check here if no fiscal impact

Column #:	1	2	3	4	5	6	7	8
	Expenditure Classification	FY 15/16	"A" Costs Absorbed or "N" New Budget Required	"R" Costs Recurring or "NR" Non-recurring	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs - Recurring or "NR" Non-recurring	Fund Affected

Personnel*	<u>\$11,120.00</u>	<u>A</u>	<u>R</u>	\$ _____	_____	_____	_____	<u>12011.510100</u>
Fringe**	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Capital Outlay	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Land/ Building	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Professional Services	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
All Other Operating Costs	<u>\$ 1,000.00</u>	_____	_____	\$ _____	_____	_____	_____	<u>12011.530200</u>
Total:	<u>\$12,120.00</u>			\$ _____				

\* Any indication that additional staffing would be required must be reviewed and approved in advance by the City Manager by attached memo before release of FIR to committees. \*\*For fringe benefits contact the Finance Dept.

**2. Revenue Sources:**

- a. To indicate new revenues and/or
- b. Required for costs for which new expenditure budget is proposed above in item 1.

Column #:	1	2	3	4	5	6
	Type of Revenue	FY _____	"R" Costs Recurring or "NR" Non-recurring	FY _____	"R" Costs - Recurring or "NR" Non-recurring	Fund Affected

_____	\$ _____	_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____	_____
Total:	\$ _____		\$ _____			

**3. Expenditure/Revenue Narrative:**

Explain revenue source(s). Include revenue calculations, grant(s) available, anticipated date of receipt of revenues/grants, etc. Explain expenditures, grant match(s), justify personnel increase(s), detail capital and operating uses, etc. (Attach supplemental page, if necessary.)

**The expenditures listed in the Expenditure table will be absorbed in the FY 2015/2016 election budget. The personnel costs will be to hire precinct officials (temporary employees) to work at the alternate early voting location. The operating costs are for programming and ballot creation, memory cards and all other required election supplies.**

**This cost could be recurring for every municipal election when an alternate early voting site is approved.**

---

**Section D. General Narrative**

**1. Conflicts:** Does this proposed bill/resolution duplicate/conflict with/companion to/relate to any City code, approved ordinance or resolution, other adopted policies or proposed legislation? Include details of city adopted laws/ordinance/resolutions and dates. Summarize the relationships, conflicts or overlaps.

**This bill relates to the City's Election Code, Section 9-1 SFCC 1987; Early Voting pursuant to Sections 1-6-5.6 and 1-6-5.7 NMSA 1978; and the State Municipal Election Code, Article 3-8 NMSA 1978.**

**2. Consequences of Not Enacting This Bill/Resolution:**

Are there consequences of not enacting this bill/resolution? If so, describe.

**The Governing Body would not have the ability to establish an alternate early voting location.**

**3. Technical Issues:**

Are there incorrect citations of law, drafting errors or other problems? Are there any amendments that should be considered? Are there any other alternatives which should be considered? If so, describe.

**None that staff is aware of.**

**4. Community Impact:**

Briefly describe the major positive or negative effects the Bill/Resolution might have on the community including, but not limited to, businesses, neighborhoods, families, children and youth, social service providers and other institutions such as schools, churches, etc.

**Establishing an alternate early voting location would provide greater opportunity for the voters of the city of Santa Fe to participate in municipal elections.**

Mr. Liming said when the Ordinance was adopted in 2014 to reduce the residential impact fees to 50%, it was done quickly. And we are trying to give the Council more heads-up this terms of having a report and data to review in making your decision in February as to whether to continue the residential impact fee reduction, to discontinue it or change it some way.

Councilor Bushee said she would presume that Mr. Liming and the Land Use planners are tracking our residential permits and your Trend report of this, and she saw this as superfluous, not knowing what else would be discerned from this.

Mr. Liming said, "Again, we think not only looking at the City's permits, but also comparing that to other cities and what's happening around the nation, and using our Impact Fee consultant would be a good third party to give us an objective view of what's happening here as compared to other cities.

Councilor Bushee said when we were conducting hearings on the Ordinance a few years when things were not great, Matt O'Reilly, Land Use Director, was providing data and we didn't get much deeper than that.

**MOTION:** Councilor Ives moved, seconded by Councilor Dimas, to approve this request.

**VOTE:** The motion was approved on the following Roll Call vote:

**For:** Mayor Gonzales, Councilor Bushee, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

**Against:** None.

\*\*\*\*\*  
**END OF CONSENT CALENDAR DISCUSSION**  
\*\*\*\*\*

11. **REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON SEPTEMBER 30, 2015: BILL NO. 2015-35: AN ORDINANCE RELATING TO EARLY VOTING; AMENDING SUBSECTION 9-1.7 SFCC 1987, TO AUTHORIZE THE MUNICIPAL CLERK TO ESTABLISH ALTERNATE EARLY VOTING LOCATIONS AND REQUIREMENTS FOR SUCH LOCATIONS. (MAYOR GONZALES, COUNCILOR DOMINGUEZ, COUNCILOR RIVERA, AND COUNCILOR DIMAS, COUNCILOR MAESTAS, COUNCILOR IVES, COUNCILOR BUSHEE AND COUNCILOR TRUJILLO) (YOLANDA Y. VIGIL)**

Yolanda Vigil, City Clerk, said the bill will allow the establishment of an additional Early Voting location, noting currently all Early Voting is conducted in the office of the City Clerk. She said, if approved, she would proposed to do another early voting site, on the south side of town at the Genoveva Chavez Community Center.

Councilors Ives, Bushee and Trujillo asked to be added as cosponsors.



Mayor Gonzales asked if the theory is that people living in Districts 1 and 2 would come to City Hall to early vote, and those in Districts 3 and 4 would go to the southside location.

Ms. Vigil said, "This would allow anyone to go to any location. It would allow an additional site, there's additional parking, and everybody doesn't have to come downtown."

Mayor Gonzales asked if the hours will be the same as at the City Hall, or are the hours extended.

Ms. Vigil said, "What I am going to propose is that we would do Tuesday through Saturday, 9:00a.m. to 6:00 p.m.. So there is an additional day, which is Saturday which we don't offer here at the Clerk's Office and would go one hour beyond the 5:00 p.m. deadline here."

Mayor Gonzales suggested perhaps we could start later and stay open later, which might help working families and those who can't make it there by 6:00 p.m. He asked if she would consider staying open until 7:00 p.m., if you start at 10:00 a.m.

Ms. Vigil said that can be considered.

Councilor Bushee asked if this would be similar to the convenience centers.

Ms. Vigil said, "This is just early voting, and would commence 20 days before the election, so it's a total of 13 days. We have looked at the convenience centers for the regular election. I am not entirely sure we are going to do that for this election."

Councilor Bushee said she supports the Mayor's suggestion to stay open as late as possible, and is the reason she asked about the convenience centers and if she would have to different hours there as well. She asked to cosponsor the bill.

Councilor Maestas said this is the first election since redistricting and asked if she will be doing any advanced PR to inform the public of the changes to the Districts, what precincts have changed.

Ms. Vigil said the County already has sent out cards to all the people affected by the redistricting, telling them their new City Council District. She said, "I also proposed, as part of my budget to send out notification to all of these people that were affected by the redistricting. And of course, we will do press releases as well."

Mayor Gonzales asked if someone went to the Office of the Secretary of State or County Clerk voting site, would it tell them what City District they vote in, or can they do that through the City Clerk site.

Ms. Vigil said, "We do not have that set up on our site, because they are the County's records, not the City's records. I believe that if they go to the Secretary of State's website they would be able to access their District."

Mayor Gonzales said then the new information has been uploaded to the County system, and Ms. Vigil said yes.

**MOTION:** Councilor Trujillo moved, seconded by Councilor Dimas, to approve this request.

**VOTE:** The motion was approved on the following roll call vote:

**For:** Mayor Gonzales, Councilor Bushee, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

**Against:** None

Mayor Gonzales thanked the Clerk for bringing this forward and said it's going to be great for the public.

**12. REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON OCTOBER 14, 2015: BILL NO. 2015-36: AN ORDINANCE AMENDING SECTION 23-4.13 SFCC 1987, TO INCLUDE THE SOUTHWEST AREA NODE (SWAN) REGIONAL PARK IN THE CITY SPORTS FIELDS (COUNCILOR DOMINGUEZ) (ROB CARTER)**

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of 09/08/15, is incorporated herewith to these minutes as Exhibit "2."

**MOTION:** Councilor Dominguez moved, seconded by Councilor Lindell, to approve this request.

**VOTE:** The motion was approved on the following roll call vote:

**For:** Mayor Gonzales, Councilor Bushee, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

**Against:** None.

**13. CASE NO. 2015-78. REQUEST FOR APPROVAL OF THE RECOMMENDATION OF THE CITY ATTORNEY PURSUANT TO SANTA FE CITY CODE SECTION 14-3.17(D)(6) THAT THE GOVERNING BODY DISMISS THE APPEAL OF MARGIT PEARSON FROM THE JULY 14, 2015 DECISION BY THE HISTORIC DISTRICTS REVIEW BOARD – 1598 CANYON ROAD. (ZACHARY SHANDLER)**

A Memorandum prepared August 27, 2015, for the September 9, 2015 Meeting of the Governing Body, with attachments, to the Members of the Governing Body, from Zachary Shandler, Assistant City Attorney, is incorporated herewith to these minutes as Exhibit "3."

**ACTION SHEET**  
**ITEM FROM FINANCE COMMITTEE MEETING OF 09/15/15**  
**FOR CITY COUNCIL MEETING OF 09/30/15**

**ISSUE:**

22. Request for Approval of an Ordinance Relating to Early Voting; Amending Subsection 9-1.7 SFCC 1987 to Authorize the Municipal Clerk to Establish Alternate Early Voting Locations and Requirements for Such Locations. (Mayor Gonzales, Councilors Dominguez, Rivera, Dimas, Maestas, Ives, Bushee and Trujillo) (Yolanda Vigil)

**Committee Review:**

City Council (request to publish – approved) 09/09/15  
 City Council (public hearing) 09/30/15

Fiscal Impact – Yes (\$11,120.00 for personnel and \$1,000.00 for all other operating costs = \$12,120.00)

**FINANCE COMMITTEE ACTION:**

Approved as Consent item.

**FUNDING SOURCE:**

**SPECIAL CONDITIONS OR AMENDMENTS**

**STAFF FOLLOW-UP:**

VOTE	FOR	AGAINST	ABSTAIN
COUNCILOR TRUJILLO	X		
COUNCILOR RIVERA	X		
COUNCILOR LINDELL	X		
COUNCILOR MAESTAS	X		
CHAIRPERSON DOMINGUEZ			