



GENERAL INFORMATION FOR CANDIDATES IN THE NOVEMBER 2, 2021 REGULAR LOCAL ELECTION

This publication, prepared by the City Clerk's Office. It is a reference for candidates seeking office in the 2021 Regular Local Election.

This packet guide is a reference and does not as a legal authority.

Included in this packet are the following items:

- §9-1 SFCC 1987 - Election Code;
- §9-2 SFCC 1987 - Campaign Code;
- Initial supply of Nominating Petition forms. You may use only this petition form. If additional petition forms are needed, you may photocopy this form, or request additional forms from the City Clerk;
- Affidavit authorizing your designated representative to appear on June 15, 2021, to receive your notification of the exact number of valid names, addresses and signatures of registered voters [qualified electors] required on the Nominating Petition to be placed on the ballot at the Regular Local Election to be held on November 2, 2021;
- §9-3 SFCC 1987 - Public Campaign Finance Code;
- Sample Financial Forms (also provided in a thumb drive with the interactive documents);
- §9-2.15 SFCC 1987 - Temporary Political Signs;
- §6-16 SFCC 1987 - Ethics and Campaign Review Board;
- §1-3 SFCC 1987 - General Penalty Section; and

I. QUALIFICATION FOR CANDIDACY

- A. A candidate for the office of **City Councilor for a four-year term**, for any of the four (4) council districts, shall:
- (1) reside within the city limits of the city of Santa Fe;
 - (2) reside in, and be a registered voter within the district from which they are running; and
 - (3) file a Nominating Petition containing the valid names, addresses and signatures of at least one-half of one percent of the registered voters of the district, which the candidate seeks to represent.
- B. A candidate for the office of **Mayor for a four-year term** shall:
- (1) be a registered voter who resides within the city limits of the city of Santa Fe;
 - (2) file a Nominating Petition containing the valid names, addresses and signatures of at least one-half of one percent of the registered voters of the city.

II. APPOINTMENT OF CAMPAIGN TREASURER OR DEPUTY CAMPAIGN TREASURER AND DESIGNATION OF DEPOSITORY §9-2.8

Each candidate, **within two weeks after becoming a candidate**, and each political committee, at the time it is required to file a statement of organization, shall designate and file with the City Clerk the names and addresses of:

- (1) One (1) legally competent individual, who may be the candidate, to serve as campaign treasurer and in addition any appointed deputy campaign treasurer(s); and
- (2) The campaign depository.

A candidate, political committee, campaign treasurer, or deputy campaign treasurer may appoint as many deputy campaign treasurers as is considered necessary. The candidate or political committee shall file the names and addresses of any deputy campaign treasurers with the City Clerk on the next

business day after their appointment.

A candidate or political committee may at any time remove a campaign treasurer or deputy campaign treasurer or change a designated campaign depository. In the event of the death, resignation, removal, or change of a campaign treasurer, deputy campaign treasurer, or depository, the candidate or political committee shall designate and file with the City Clerk within ten (10) days after such designation, the name and address of any successor.

No contribution and no expenditure shall be accepted or made by or on behalf of a candidate or political committee unless there is a depository and either a campaign treasurer or deputy campaign treasurer in office. A candidate is deemed to be their own campaign treasurer or deputy campaign treasurer until or unless they appoint another person to that office. No expenditure shall be made by or on behalf of a candidate or political committee without the authorization of the treasurer or deputy campaign treasurer.

NOTE: [Definition of candidate - Campaign Code, §9-2.3\(G\) SFCC 1987](#)

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

III. NOMINATING PETITIONS & DECLARATION OF CANDIDACY FORMS

Candidates for elected office for the City of Santa Fe must meet the requirements provided by state law, as well as the City of Santa Fe Municipal Charter, to be placed on the ballot for the Regular Local Election to be held on November 2, 2021.

The City of Santa Fe Municipal Charter (§4.03) requires each candidate for elected office to submit a Nominating Petition containing a specified number of valid names, addresses and signatures to be placed on the ballot as follows:

- A.** For City Councilor. Any person wishing to be a candidate for the office of City Councilor shall file with the City Clerk a nominating petition containing the signatures [valid names, addresses and signatures] of at least one-half of one percent of the registered voters [qualified electors] of the district which the candidate seeks to represent.
- B.** For Mayor. Any person wishing to be a candidate for the office of Mayor shall file with the City Clerk a nominating petition containing the signatures [valid names, addresses and signatures] of at least one-half of one percent of the registered voters [qualified electors] of the city.
- C.** Number of registered voters [qualified electors]. The proper filing officer shall determine the number of registered voters [qualified electors] of the city and of each council district as of the date of the election proclamation [election resolution].

Because the City has adopted the State's Local Election Act, and any conflicts must be resolved in favor of that Act, the City considers "filing" as used above to be submission with the City Clerk for publically financed candidates. For privately financed candidates and filing is with the County Clerk, not the City Clerk. See NMSA 1-22-3.2(A) and 1-22-7(A).

Candidacy Checklist **November 2, 2021 Regular Local Election**

The County Clerk determines whether a candidate filing a declaration of candidacy is registered to vote within the area to be elected to represent and whether a candidate's nominating petition for that office has been filed with a number of signatures that is equal to or greater than the number required for that office. NMSA 1978, § 1-22-10.

Nominating Petition names, addresses, and signatures shall be collected only on the form approved by the Secretary of State.

Candidates seeking public campaign financing will file their \$5 Qualifying Contributions, along with their nominating petitions on July 19, 2021 with the City Clerk.

Candidates not seeking public campaign financing will file their nominating petitions on August 24, 2021 with the County Clerk.

- ✓ Step 1 – Candidates make any necessary voter registration changes with the County Clerk prior to completing the information on the Nominating Petition heading and collecting names, addresses, and signatures.
- ✓ Step 2 - Beginning on May 3, 2021, Candidates, or their authorized representative, appear in the office of the City Clerk to receive a Candidate Packet which contains a Nominating Petition Memorandum, an initial supply of Nominating Petition Forms, and other appropriate candidate forms and information.
- ✓ Step 3 - Candidates, or their authorized representative, are given an estimated number of the valid names, addresses and signatures required on the Nominating Petition to be placed on the ballot for the office the candidate is seeking.
- ✓ Step 4 - Candidates, or their authorized representative, sign for the Candidate Packet, and acknowledge that they, or their authorized representative, may appear on June 15, 2021, to receive official notification of the exact number of valid names, addresses and signatures required on the Nominating Petition.
- ✓ Step 5– Candidates, or their authorized representative, appears in the office of the City Clerk between the hours of 8:00 a.m. and 5:00 p.m., on **June 15, 2021**, to receive official notification of the **exact number** of valid names, addresses and signatures of registered voters [qualified electors] that are required on the Nominating Petition to be placed on the ballot.

✓ Step 6 –

- Candidates seeking public campaign financing file the Nominating Petitions with the City Clerk by 5 p.m. on Monday, July 19, 2021 for submission to the County Clerk.
- Candidates NOT seeking public campaign financing collects all completed Nominating Petition forms to file with the County Clerk by 5 p.m. on Tuesday, August 24, 2021.

✓ Step 7

- If the candidate is so qualified and no withdrawal of candidacy has been filed as provided in the Local Election Act, the County Clerk places the candidate's name on the ballot for the position specified in the declaration of candidacy and notify each candidate in writing no later than 5:00 p.m. on the sixtieth day before the local election, September 3, 2021.

IV. FAMILIARITY WITH CAMPAIGN CODE, §9-2.4

Each potential candidate shall acknowledge in writing receipt and familiarity with the provisions of the Campaign Code and agree to abide by the Code's requirements without waiving any legal rights to challenge.

Refusal to sign said acknowledgement shall not preclude a potential candidate from seeking office, but failure to do so is public information.

V. CAMPAIGN FINANCE REPORTING

A copy of the City of Santa Fe Campaign Code ([§9-2 SFCC 1987](#)) governing campaign financial reporting and the Public Campaign Finance Code ([§9-3 SFCC 1987](#)) governing reports of qualifying contributions, seed money contributions and expenditures is attached. Please read these Codes carefully so you can provide the needed information on all statements, reports, and forms and file when required.

The City Clerk is authorized to reject any incomplete campaign finance statement, report or form. The City Clerk shall notify the candidate or political committee when incomplete.

All Campaign Finance Statements and Participating Candidate Expenditure Reports shall be filed in person with the City Clerk, on the designated filing day and times. The City Clerk shall assess a fine of one hundred (\$100.00) for unexcused late filing of campaign finance statements, reports, or forms.

Campaign Finance Statements and Participating Candidate Expenditure Reports shall be filed per [§9-2.10](#) as follows:

- (1) By 5:00 p.m. on the fortieth day (**Thursday, Sept. 23**) preceding an election in which the candidate is seeking election to an office or in connection with which the political committee has received contributions or made expenditures;
- (2) By 5:00 p.m. on the twenty-fifth (25th) (**Friday, Oct. 8**) day preceding such election;
- (3) By 5:00 p.m. on the Tuesday preceding (**Tuesday, Oct 26**) such election;
- (4) By 12:00 noon on the Monday preceding such election (**Monday, Nov. 1**);
- (5) Within two (2) weeks following such election; and (**Tuesday, Nov 16**)

(6) As required in subsection 9-2.10B SFCC 1987 below.

B. The candidate or political committee and their respective campaign treasurer or deputy campaign treasurer shall file a final report no later than six (6) months following a municipal election. Upon submitting a final report there shall be no obligation to make any further reports unless there are outstanding debts. If there are, a report shall be filed every six (6) months until all outstanding debts have been liquidated. **(May 2, 2022)**

* (Per Section 9-3.13 (A)) a participating candidate may file one additional campaign finance statement reporting the receipt of qualified small contributions on the fifty-seventh (57th) day preceding the election. By 5:00 p.m. on **Tuesday, September 7, 2021 due to Labor Day Holiday.**

Any candidate who withdraws from an election shall be required to file a report at the time of their withdrawal.

VI. IDENTIFICATION OF CAMPAIGN MATERIAL

- A. Campaign materials disseminated or communicated by a candidate shall clearly identify the name of the candidate and campaign treasurer or deputy campaign treasurer.
- 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. Any candidate, or person acting on behalf of a candidate, shall not willfully steal, destroy, or damage another candidate's campaign materials.
- D. Written, printed or posted materials shall also show a telephone contact number.

Each candidate shall designate a liaison contact as responsible for the lawful placement and location of political campaign signs. The contact's name and telephone number shall be filed with the City Clerk and shall legibly appear on every political campaign sign. A candidate may be a liaison contact.

VII. VIOLATIONS AND ENFORCEMENT

Any violation of §9-2 or §9-3 SFCC 1987 shall be subject to enforcement pursuant to **§6-16.7 SFCC 1987** by the Ethics and Campaign Review Board which may impose sanctions as follows:

§6-16.7(8)(1) Issue a public reprimand;

§6-16.7(8)(2) Impose a fine not to exceed five hundred dollars (\$500.00) per violation. Each day of a continuing or repetitive violation may be deemed a separate offense. The Board may seek enforcement of fines in District Court;

§6-16.7(8)(3) Recommend removal or suspension from office of a public official by the Governing Body;

§6-16.7(8)(4) Refer complaints against public officials, where appropriate, to the District Attorney's office for investigation and prosecution; and

§6-16.7(8)(5) In the case of a violation of the Public Campaign Finance Code, revoke a candidate's certification as a participating candidate or order repayment or refund by a candidate of any money received by the candidate from the Public Campaign Finance Fund pursuant to §9-3.10 SFCC 1987.

Any violation of Santa Fe City Code 1987, not specifically provided for in any ordinance, resolution, rule, regulation or order to the contrary, is punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment in the county jail for a term of not more than ninety (90) days, or by both such fine and imprisonment. Every day that any such violation continues constitutes a separate offense, except where otherwise provided. (§1-3 SFCC 1987)

NOTE: Please read §9-2, §9-3, §6-16 and §1-3 SFCC 1987 in their entirety for clarification on violations, enforcement and penalties.

VIII. ELECTION DAY

Election Day is Tuesday, November 2, 2021.

The City of Santa Fe and Santa Fe County continue to collaborate on implementing the Local Election Act; please note where there are conflicts between Ordinances and the Local Election Act, the Act supersedes.

1-22-3.2. Municipalities; municipal election provisions; adjustment of dates and charter amendments for procedures affected by the Election Code; public financing.

A. Election provisions or procedures in the laws of a municipality that operate in addition to and do not conflict with the provisions of the Election Code continue in effect as long as such provisions do not conflict with the Election Code or until amended or repealed by the municipality. Election provisions or procedures in an ordinance or charter of a municipality that conflict with the Election Code or other applicable state or federal law are not operable and shall not be enforced. Election provisions or procedures in an ordinance or charter of a municipality that do not conflict with the Election Code shall be administered pursuant to the ordinances or charter of the municipality, unless the municipal clerk and the county clerk have signed a memorandum of understanding for the county clerk to conduct election provisions or procedures on behalf of the municipality.