

1 CITY OF SANTA FE, NEW MEXICO

2 ORDINANCE NO. 2013-31

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4  
5 AN ORDINANCE

6 RELATING TO THE CAMPAIGN CODE, SECTION 9-2 SFCC 1987 AND THE PUBLIC  
7 CAMPAIGN FINANCE CODE, SECTION 9-3 SFCC 1987: AMENDING SUBSECTIONS 9-  
8 2.9 AND 9-2.11 SFCC 1987 TO PROVIDE UNIFORMITY IN CAMPAIGN TREASURER  
9 DUTIES AND AMENDING SUBSECTION 9-3.14 SFCC 1987 TO CLARIFY THAT A  
10 CANDIDATE FOR MUNICIPAL JUDGE IS NOT REQUIRED TO SIGN EXPENDITURE  
11 REPORTS.

12  
13 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

14 Section 1. Subsection 9-2.9 SFCC 1987 (being Ord. #1998-41, §7, as amended) is  
15 amended to read:

16 9-2.9 Campaign Treasurer; Deputy Campaign Treasurer; Duties.

17 A. The campaign treasurer or deputy campaign treasurer shall keep a true and full record  
18 of contributions and expenditures. The record of contributions and expenditures required to be kept  
19 under the terms of the Campaign Code and the Public Campaign Finance Code shall reflect the  
20 requirements in subsection 9-2.11 SFCC 1987 and Section 9-3 SFCC 1987, respectively.

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

22 (1) receipts reflecting the purpose of each expenditure and the day and method  
23 of payment; and

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

25 C. The campaign treasurer or deputy campaign treasurer shall not accept anonymous

1 contributions. Any such contribution received by the campaign treasurer or deputy campaign  
2 treasurer shall, within seven (7) days of receipt, be donated to a charity or to the city's general fund.  
3 The campaign treasurer or deputy campaign treasurer shall keep a record of the amount and date of  
4 receipt of any such contributions and of the disposition that was made of the contribution, including  
5 the date when it was donated to the city or to a charity and the identity of the recipient of the  
6 donation.

7 D. Records required to be kept by the campaign treasurer or deputy campaign treasurer  
8 under the terms of paragraph A of this subsection, shall be filed with the city clerk as part of the  
9 public record, shall be provided to the ethics and campaign review board set forth in Section 6-16,  
10 SFCC 1987 upon request and may be inspected by the public during usual business hours, Monday  
11 through Friday, excluding legal holidays.

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

17 F. The campaign treasurer or deputy campaign treasurer shall preserve books of accounts,  
18 bills, receipts and all other financial records of the campaign or political committee for two (2)  
19 calendar years following the year in which the transaction occurred.

20 G. The campaign treasurer or deputy campaign treasurer shall deposit within five (5)  
21 business days after receipt all monetary contributions received by a candidate, political committee,  
22 campaign treasurer or deputy campaign treasurer in the campaign depository designated for that  
23 purpose.

24 H. Campaign funds shall be used and distributed as follows:

25 (1) All contributions received shall be under the custody of the campaign

1 treasurer or deputy campaign treasurer and shall be segregated from, and not be commingled  
2 with, the personal funds of an individual, group or political committee. Contributions shall be  
3 used exclusively to pay expenses incurred in furtherance of the candidate's campaign, and  
4 shall not be used for any other purpose, including:

5 (a) The candidate's personal living expenses or compensation to the  
6 candidate;

7 (b) A contribution to the campaign of another candidate or to a political  
8 party or political committee or to a campaign supporting or opposing a ballot  
9 proposition;

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

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

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

19 (a) Expenditures of the campaign;

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

23 (c) Donations to charities; or

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

25 (3) All unspent campaign contributions shall be distributed within six (6) months

1 following a municipal election, for any of the purposes listed in this subsection 9-2.9H. All  
2 candidates and political committees shall file reports listing the date, amount and recipient of  
3 each post-election expenditure, donation or disbursement made from campaign funds  
4 pursuant to this subsection 9-2.9H. Such report shall be part of the final campaign finance  
5 statement that is required by subsection 9-2.10B SFCC 1987.

6 I. A campaign treasurer, deputy campaign treasurer or political committee may invest  
7 funds deposited in the campaign account in an account of indebtedness of a financial institution up to  
8 the amount of federal deposit insurance; United States bonds or certificates of indebtedness or those  
9 of a federal agency; and/or bonds or warrants of the state or any municipal corporation of the state.  
10 All interest, dividends, and/or other income derived from the investment and the principal when  
11 repaid shall be deposited in the campaign account.

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

14 **9-2.11 Campaign Finance Statement; Contents.**

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

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

24 (2) The full name, home address, occupation, name of employer, date of receipt  
25 and amount of each contribution received from each individual contributor from whom a

1 contribution in money, goods, materials, services, facilities or anything of value has been  
2 received and whether the contribution was received in cash, by check, by credit card, by  
3 electronic transfer or otherwise;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 **9-3.14 Reports of Expenditures; Exemption from Certain Reporting Requirements.**

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

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

21 C. Except as provided in paragraphs A and B of this subsection and paragraph C of  
22 subsection 9-3.8 SFCC 1987, participating candidates are exempt from the requirement to file  
23 campaign finance statements imposed by subsections 9-2.10 SFCC 1987 through 9-2.12 SFCC 1987  
24 and from the requirement to file campaign records with the municipal clerk imposed by paragraph C  
25 of subsection 9-2.9 SFCC 1987; provided, however, that campaign records shall be maintained in the

1 manner required by the applicable provisions of the Campaign Code (Section 9-2 SFCC 1987) and  
2 shall be made available upon request to the municipal clerk and the ethics and campaign review  
3 board.

4 D. A seed money and qualifying contribution report and an expenditure report of a  
5 candidate for municipal judge are not required to be signed or acknowledged by the candidate.

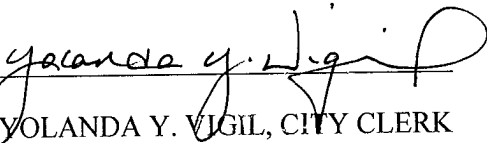
6 **Section 4. EFFECTIVE DATE.** This Ordinance shall be effective immediately upon  
7 adoption.

8 PASSED, APPROVED, and ADOPTED this 11<sup>th</sup> day of September, 2013.

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10  
11 DAVID COSS, MAYOR

12 ATTEST:

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14   
15 VOLANDA Y. VIGIL, CITY CLERK

16  
17 APPROVED AS TO FORM:

18   
19  
20 GENO ZAMORA, CITY ATTORNEY

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22  
23  
24  
25 *CAO/M/Melissa/Ordinances 2013/2013-31 Campaign Code Corrections*