

ARTICLE I. CONFLICT OF INTEREST CODE

Section 01. DECLARATION OF POLICY. Public disclosure and regulations of certain campaign practices will serve to increase public confidence in the integrity of government by informing the public of the qualifications of a candidate for elective office and of the possible sources of influence upon that candidate and of the financing of a campaign to influence the ultimate and complete responsibility for the conduct of the campaign is therefore incorporated into this Ordinance, and shall be implemented according to the following Election Code.

Section 02. DEFINITIONS.

(a) The terms "Candidate for Elective Office", and "Candidate" mean any individual who has commenced, actively campaigning, or filed a Declaration of Candidacy with the County Clerk for the office of County Commissioner, Clerk, Treasurer, Assessor, Probate Judge,* and Sheriff.

(b) "Person" means any individual, cooperative, association, club, corporation, company, firm, partnership, joint venture syndicate, profit or non-profit organization, political action committee for or against a measure or candidate, or other entity.

(c) "Candidate Finance Committee" consists of the candidate, the treasurer, or any person authorized either expressly or by implication by the candidate to participate in the solicitation, expenditure, or employment of contributions or obligations on behalf of the candidate. "Member of the Candidate Committee" means any such person.

(d) "Campaign Contributions and Obligations".

1. Contributions include monies, loans, debts incurred, property in-kind, including the use thereof, or commercial or professional services:

A. Incurred or received by a candidate, his treasurer, his designated representative, the candidate

finance committee, or a member thereof on behalf of the candidate, or by a Measure Finance Committee. For the purpose of this subsection, a debt shall be considered incurred at the time authorization is given or contract made for the debt.

427849

B. Not received by a person or entity named in subparagraph A above, but expended or employed on behalf of a candidate or measure where such monies, loans, debts incurred, property in-kind, or commercial or professional services have been solicited or otherwise consented to by such committee or have been expended or employed in a manner or amount directed, authorized, either expressly, by implication, or consented to by such committee.

2. Contributions of property, including the use thereof, and contributions of commercial or professional services shall be attributed a cash value equal to their fair market value.

3. Notwithstanding the foregoing, none of the following shall be considered a contribution: A candidate's own services and property, other than cash; the use of a dwelling unit, and residential premises incidental thereto for any campaign purpose and the provision of refreshments and entertainment in connection with such use; and the use of vehicles for any campaign purpose other than in connection with the performance of a commercial or professional service.

(e) The terms "Election" and "Elections" refer to County of Santa Fe elections of the following types: regular, general, special, primary, and any other elections.

(f) "Measure" means any proposition submitted to a popular vote at an election, whether by initiative, referendum, or recall procedure, or otherwise.

(g) "Measure Finance Committee" means any person or combination of two or more persons acting jointly in aid of, or in opposition to the qualification for the ballot or voter approval or disapproval of one or more measures.

(h) "Treasurer" means any person who is appointed by

the candidate to receive, keep and disburse all money which may be collected, received, or disbursed by the candidate, the candidate finance committee, or any of its members.

427850

Section 03. ONE CANDIDATE FINANCE COMMITTEE. Each candidate for elective office shall establish no more than one candidate finance committee and shall appoint a treasurer who shall not be the candidate, nor serve as treasurer for any other candidacy. It shall be the responsibility and duty of a candidate to inquire of any person the amounts being spent for or against his candidacy, and notify said person of limitations imposed by this ordinance.

Section 04. ONE BANK ACCOUNT-FILING REQUIREMENTS.

(a) Each candidate for elective office, his treasurer, or his designated representative shall establish one and only one campaign bank checking account for each election. All parties having signature authorization for the checking account, the checking account number, and the bank branch name shall be registered with the Board of Ethics and Campaign Practices.

(b) All contributions of monies received for the benefit of the candidate's campaign shall be deposited in that account, and all disbursements shall come from that account.

(c) Each candidate shall file with the bank at which the campaign checking account has been established a letter authorizing the release of information concerning that account to the Board of Ethics and Campaign Practices and shall submit a copy of the letter of authorization to the Board. Upon the request of the Board, each candidate shall provide to the Board all bank records, cancelled checks, and any other financial information relating to the campaign as may be requested by the Board.

Section 05. DISCLOSURE WITH DECLARATION OF CANDIDACY.

Each candidate for elective office within the County shall file with the Board of Ethics and Campaign Practices, within two days of filing the declaration of candidacy with the County Clerk, a notarized statement signed by the candidate under

oath, setting forth the names, titles and nature of the candidate's business, professional associations, and all other sources of income that account for ten percent (10%) or more of the candidate's total income, and any known present business relationships the candidate has or may have with the County.

427851

Section 06. DISCLOSURE OF CAMPAIGN FINANCING.

(a) All campaign finance records and statements must be open to inspection by the Board of Ethics and Campaign Practices, its designated representative, or its auditor, and upon request of the Board shall be presented to the Board for audit.

(b) Each candidate for elective office, or person for or against a measure or candidate shall file with the Board of Ethics and Campaign Practices four statements, each of which shall be cumulative, signed under oath by the candidate or his designated representative, setting forth to 5:00 p.m., of the date preceding the filing of each statement.

1. The total of all campaign contributions and obligations.

2. The name of each contributor, the contributor's principal business or occupation, and name of employer together with the total cumulative cash value contributed, where that amount equals or exceeds a \$100.00 contribution.

3. All candidate expenditures including any reimbursements and the nature thereof, including identification of the name of the person or business to whom payment was made.

(c) Each Measure Finance Committee which either receives contributions or expends funds in excess of \$100.00 in aid of, or in opposition to the qualification for the ballot or voter approval or disapproval of one or more measures, shall file with the Board of Ethics and Campaign Practices; four statements signed under oath by the Chairman of the Measure Finance Committee setting forth to 5:00 p.m., of the date preceding the filing of each statement.

1. The total of all campaign contributions

and obligations.

427852

2. The name and address of each contributor, the contributor's principal business or occupation, together with the total cumulative cash value contributed, where that amount equals or exceeds \$25.00.

3. All campaign expenditures including any reimbursements and the nature thereof, including identification of the name of the person or business to whom payment was made.

(d) The four statements shall be filed as follows: The first no later than 4:00 p.m., on Friday of the fourth week preceding the election; the second not later than 4:00 p.m., on the Friday immediately preceding the election; the third statement not later than seven days following the election; and the fourth and final statement not later than forty five (45) days from the date of election.

(e) Semi-Annual Campaign Statements. Every candidate and committee that receives contributions or makes expenditures during the period specified in this section, and every elected officer except as provided below shall file campaign statements as provided in this section, unless the candidate, committee, or elected officer is required to file campaign statements in connection with any election or elections held within the periods specified in subsections 1 and 2:

1. For the period January 1 through June 30, campaign statements shall be filed not later than July 31.

2. For the period July 1 through December 31, campaign statements shall be filed not later than January 31.

If a campaign statement was filed in connection with an election held during the six month period immediately prior to a period specified in this section, the period covered by the campaign statement filed pursuant to this section shall ~~begin from the day after the closing date of the previous campaign statement.~~ This section is not applicable to elected officers whose salaries are less than one hundred dollars (\$100.00) a month or to judges, unless such an elected officer

or judge is a candidate or committee who receives contributions or makes expenditures during the specified periods.

427853

(f) All statements to be filed at the office of the County Clerk.

Section 07. PRESERVATION OF DISCLOSURE STATEMENTS. The records and statements required by this article shall be preserved intact as permanent public records by the Board of Ethics and Campaign Practices for a period of at least three (3) years from the date of the election in question.

Section 08. LIMITS TO CAMPAIGN FINANCING. No candidate for elective office or person for or against a measure shall allow contributions or make expenditures in excess of the following for any regular or special elections:

(a) As to County Commissioners - \$20,000.00 (\$10,000.00 for the Primary Election, and \$10,000.00 for the General Election)

(b) As to other County officials - one year's salary

(c) Expenditure Limitations for Incumbents. The amounts set forth in Section 08 shall be reduced by ten percent (10%) for an incumbent who is seeking reelection to the same elective office.

(d) Expenditure Limitations for Incumbents; for or against a measure shall be limited to \$5,000.00.

(e) A person is limited to financing for or against a candidate in an amount not to exceed \$5,000.00.

Section 09. LIMITS TO CONTRIBUTIONS BY PERSONS AND ORGANIZATIONS.

(a) No candidate for elective office in the County shall for any one election; allow total contributions from any one person or organization with the exception of contributions from the candidate himself or herself of more than \$250.00.

Section 10. Any contributions not expended on the campaign shall either be retained in the campaign bank checking account for future reelection, possible runoff election for that office, or shall be returned to the person or organiza-

tion who made the contribution, placed in the County's General Fund or given to a charity of the candidate's choice. Final disposition of any excess funds shall be accounted for in the office of the County Clerk.

Section 11. PROHIBITIONS.

427854

(a) Cash Contributions. No contribution or expenditure of fifty dollars (\$50.00) or more shall be made in cash. Any contribution of fifty dollars (\$50.00) or more other than an in-kind contribution shall be made by a written instrument containing the name of the donor and the name of the payee.

(b) Contributions by Agent. No person shall make a contribution on behalf of another, or while acting as the intermediary or agent of another, without disclosing to the recipient of the contribution both his own full name and street address, occupation, and the name of his employer, if any, or his principal place of business if he is self-employed, and the full name and street address, occupation, and the name of employer, if any, or principal place of business if self-employed, of the other person. The recipient of the contribution shall include in his campaign statement the full name and street address, occupation, and the name of the employer, if any, or the principal place of business if self-employed, of both the intermediary and the contributor.

(c) Expenditures by Agent. No expenditure shall be made, other than overhead or normal operating expenses by an agent or independent contractor, including but not limited to an advertising agency, on behalf of or for the benefit of any candidate or committee unless it is reported by the candidate or committee as if the expenditure were made directly by the candidate or committee, unless the agent or independent contractor files a campaign statement reporting the expenditure. The agent or independent contractor shall make known to the candidate or committee all information required to be reported by this section.

(d) Anonymous Contributions. No person shall make

an anonymous contribution or contributions to a candidate, committee, or any other person totaling fifty dollars (\$50.00) or more in a calendar year. An anonymous contribution of fifty dollars (\$50.00) or more shall be kept by the intended recipient but instead shall be promptly paid to the County Clerk for deposit in the General Fund of the County.

Section 12. REGULATIONS AND ASSISTANCE.

427855

(a) The Board of Ethics and Campaign Practices shall promulgate reasonable rules and regulations for its conduct and to aid in interpretation and enforcement of this article; provided, that amendments to said rules and regulations shall not be made by the Board during the ninety (90) days preceding an election. The current rules and regulations of the Board of Ethics and Campaign Practices shall be made available in published form no later than sixty (60) days prior to any regular or special election.

(b) There is hereby created the position of Campaign and Election Auditor. The Auditor shall be either a Certified Public Accountant, or a Registered Public Accountant, and shall:

1. The Auditor selected by the County to serve the Board of Ethics and Campaign Practices will act as an independent contractor to serve from the established date of filing of the declaration of candidacy for each election until sixty (60) days following the specified date set forth for filing of the final statement on disclosure of campaign financing; provided, that the Board in its discretion may retain the services of an auditor for an election in which only measures are to be placed on the ballot.

2. Monitor all disclosure statements to insure their accuracy and to insure compliance with the provisions of this Election Code.

3. The County of Santa Fe shall select and pay the Auditor costs incurred in his services to the Board of Ethics and Campaign Practices.

(c) At the direction of the Board, the services of the auditor shall be available to assist candidates for office in connection with this Election Code.

427856

Section 13. ENFORCEMENT.

(a) Any charges that a candidate for elective office or the chairperson of a Measure Finance Committee has committed a violation of this Election Code shall be brought before the Board of Ethics and Campaign Practices. The Board shall give written notice of such charges to the candidate or chairperson before taking further action.

(b) On referral of such complaint by the Board, the auditor shall investigate the charge and report to the Board.

(c) Should the Board find, after due hearing, the violation has occurred, it may make a public reprimand or impose a fine of not to exceed \$100.00 for each violation, or do both.

(d) In addition to imposing such sanctions, or as an alternative thereto, and if the violator be a successful candidate in the election, the Board of Ethics and Campaign Practices may recommend to the Commission that the evidence be submitted to the Santa Fe County Grand Jury for possible removal.

(e) The Commission may, upon the recommendation of the Board of Ethics and Campaign Practices, after due hearing of the charge, refer to the property authority for action. An appeal may be taken from any findings and action of the Board pursuant to subparagraph (e) of this Section to the District Court of the 1st Judicial District, by filing Notice of Appeal in the said District Court within five (5) days of the date of the action or order appealed from, and by filing with said District Court within thirty (30) days a true transcript and record of the proceedings upon which said action or order is based.

(f) Any fines collected under this section shall

be placed into the County's General Fund.

Section 14. NON-WAIVER OF PENALTIES. Nothing herein set forth shall be construed to affect or otherwise diminish any penalties otherwise provided by law for violation of the matters set forth in this Election Code, or shall prevent the Board of Ethics and Campaign Practices from bringing to the attention of the proper authority any alleged violation coming to its attention which may be subject to such other penalties.

427857

Section 15. AMENDMENTS. The above Election Code for Candidates may be amended without requiring compliance with Article VI of this Charter by ordinance adopted by a majority of the entire membership of the Commission.

Section 16. EMERGENCY. It is necessary for the public peace, health, and safety that this Act take effect immediately.

ARTICLE II. SEVERABILITY

Section 01. NO IMPAIRMENT FROM PARTIAL INVALIDITY. The provisions of this ordinance are severable, and if any provision, section, clause, sentence, or part thereof is held to be illegal, invalid, unconstitutional, or inapplicable, to any person, persons, circumstances, situation, or otherwise, the illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining sentences, clauses, sections, articles, or parts of this ordinance or their applicability to other persons, circumstances, or situations.

PASSED, APPROVED, AND ADOPTED, This 15th day of September, 19 81.

APPROVED AS TO FORM:

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS

Joe Cruz Castellano Jr.

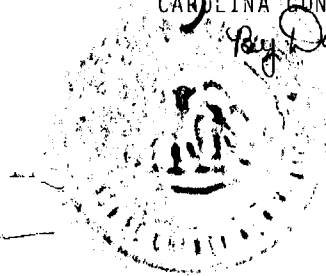
Jake D. Martinez
Jake D. Martinez, Member

ATTEST:

Carolina R. Gonzales
CAROLINA GONZALES, COUNTY CLERK
Ray Delores R. Pragon

Sam Garcia
Sam Garcia, Member

Rudy R. Fernandez
RUDY R. FERNANDEZ, CHAIRMAN





COLONIAL

LIFE & ACCIDENT INSURANCE COMPANY

SAMUEL J. GARCIA
MARKETING DIRECTOR
P. O. BOX 5071
SANTA FE, N. M. 87501



BUS. TEL.: 983-2428 (SANTA FE)
881-3400 (ALBU.)
RES. TEL.: 982-0619

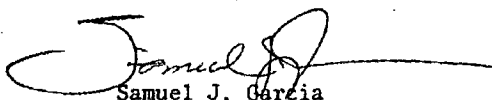
427858

To Whom It May Concern:

For the past eight years, Colonial Life and Accident Insurance Co. has made available an optional indemnity and disability supplement to County of Santa Fe employees. The County of Santa Fe does not participate in any portion of the cost, other than making this fringe benefit available on payroll deduction. Employees participation is on an optional, voluntary basis.

This letter shall serve as official and public notice that all future interest, activity and commissions regarding Santa Fe County employees and Colonial Life and Accident Insurance Company has been assigned to Mr. J.H.E. Johnston and Mr. Ronkite effective January 1, 1981-for the term of my office it is understood that I will abstain from any discussion, action or vote on any matter pertaining to Colonial Life and Accident Insurance Co. and Santa Fe County employees.

Very Truly Yours,


Samuel J. Garcia

SJG/vo



COLONIAL

LIFE & ACCIDENT INSURANCE COMPANY

SAMUEL J. GARCIA
MARKETING DIRECTOR
P. O. BOX 5071
SANTA FE, N. M. 87501



BUS. TEL.: 983-2428 (SANTA FE)
881-3400 (ALBQ.)
RES. TEL.: 982-0619

427859

Colonial Life and Accident
P. O. Box 1365
Columbia, South Carolina 29201

ATTENTION: Grace Matheny

Dear Grace:

January 1, 1981, I began my term as a member of the Santa Fe
County Board of Commissioners. The County of Santa Fe has been
an account of Colonial's since 1972. Effective January 1, 1981
please assure that I receive no further overrides on any business
written on this account.

Very truly,


Samuel J. Garcia
Marketing Director

gad



485.246
STATE OF NEW MEXICO)
COUNTY OF SANTA FE) SS
By Hand and Seal of Office and was duly recorded in Book 427
CAROLINA R. GONZALES
County Clerk, Santa Fe County, N.M. 848-859
I hereby certify that this instrument was filed
for record on the 21 day of Sept A.D.
1981 at 3:26 P
of the records of Santa Fe County
Dolores K. Aragon
Deputy