

SANTA FE COUNTY

ORDINANCE NO. 1983-3

Introduced by

Samuel J. Garcia

Jerome D. Block

Rudy R. Fernandez

REQUESTED BY THE BOARD OF ETHICS & CAMPAIGN PRACTICES

AN ORDINANCE

RELATING TO THE ELECTION CODE (BEING ORDINANCE NO. 1981-5), AMENDING THE TIME OF FINANCIAL STATEMENT SUBMITTALS, INCLUDING A FUND RAISING CONTRIBUTIONS SUBSECTION, AND GENERAL CLEAN-UP OF LANGUAGE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF SANTA FE.

Section 1. 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 this Election Code.

Section 2. 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

1 Commissioner, Clerk, Treasurer, Assessor, Probate Judge, Surveyor
2 and Sheriff.

3 B. "Person" means any individual, cooperative, association,
4 club, corporation, company, firm, partnership, joint venture syndicate, pro-
5 fit or non-profit organization, political action committee for or against a
6 measure or candidate, or other entity.

7 C. "Candidate Finance Committee" consists of the candidate,
8 the treasurer, or any person authorized either expressly or by implication
9 by the candidate to participate in the solicitation, expenditure or
10 employment of contributions or obligations on behalf of the candidate.
11 "Member of the Candidate Committee" means any such person.

12 D. Campaign Contributions and Obligations.

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

16 (a) Incurred or received by a candidate, his
17 treasurer, his designated representative, the candidate finance committee,
18 or a member thereof on behalf of the candidate, or by a Measure Finance
19 Committee. For the purpose of this subsection, a debt shall be considered
20 incurred at the time authorization is given or contract made for the debt.

21 (b) Not received by a person or entity named in sub-
22 paragraph (b) above, but expended or employed on behalf of a candidate or
23 measure where such monies, loans, debts incurred, property in-kind, or com-
24 mercial or professional services have been solicited or otherwise consented
25 to by such committee or have been expended or employed in a manner or amount
26 directed, authorized, either expressly, by implication, or consented to by
27 such committee.

28 (2). Contributions of property, including the use thereof,

1 and contributions of commercial or professional services shall be attributed
2 a cash value equal to their fair market value.

3 (3). Notwithstanding the foregoing, none of the following
4 shall be considered a contribution: A candidate's own services and pro-
5 perty, other than case; the use of a dwelling unit, and residential premises
6 incidental thereto for any campaign purpose and the provision of refresh-
7 ments and entertainment in connection with such use; and the use of vehicles
8 for any campaign purpose other than in connection with the performance of a
9 commercial or professional service.

10 E. The terms "Election" and "Elections" refer to County of
11 Santa Fe elections of the following types: regular, general, special, pri-
12 mary, and any other elections.

13 F. "Measure" means any proposition submitted to a popular
14 vote at an election, whether by initiative, referendum, or recall procedure,
15 or otherwise.

16 G. "Measure Finance Committee" means any person or com-
17 bination of two or more persons acting jointly in aid of, or in opposition
18 to the qualification for the ballot or voter approval or disapproval of one
19 or more measures.

20 H. "Treasurer" means any person who is appointed by the can-
21 didate to receive, keep and disburse all money which may be collected,
22 received, or disbursed by the candidate, the candidate finance committee or
23 any of its members.

24 **Section 3. ONE CANDIDATE FINANCE COMMITTEE.**

25 Each candidate for elective office shall establish no more than one can-
26 didate finance committee and shall appoint a treasurer who shall not be the
27 candidate, nor serve as treasurer for any other candidacy. It shall be the
28 responsibility and duty of a candidate to inquire of any person the amounts

1 being spent for or against his/her candidacy, and notify said person of
2 limitations imposed by this ordinance.

3 **Section 4. ONE BANK ACCOUNT-FILING REQUIREMENTS.**

4 A. Each candidate for elective office, his treasurer, or his
5 designated representative shall establish one and only one campaign bank
6 checking account for each election. All parties having signature authoriza-
7 tion for the checking account, the checking account number, and the bank
8 branch name shall be registered with the Board of Ethics and Campaign Practices.

9 B. All contributions of monies received for the benefit of
10 the candidate's campaign shall be deposited in that account, and all disbur-
11 sements shall come from that account.

12 C. Each candidate shall file with the bank at which the cam-
13 paign checking account has been established a letter authorizing the release
14 of information concerning that account to the Board of Ethics and Campaign
15 Practices and shall submit a copy of the letter of authorization to the
16 Board. Upon the request of the Board, each candidate shall provide to the
17 Board all bank records, cancelled checks and any other financial information
18 relating to the campaign as may be requested by the Board.

19 **Section 5. DISCLOSURE WITH DECLARATION OF CANDIDACY.**

20 Each candidate for elective office within the County shall file with the
21 Board of Ethics and Campaign Practices, within two days of filing the
22 declaration of candidacy with the County Clerk, a notarized statement signed
23 by the candidate under oath, setting forth the names, titles and nature of
24 the candidate's business, professional associations, and all other sources
25 of income that account for ten percent (10%) or more of the candidate's
26 total income, and any known present business relationships the candidate has
27 or may have with the County.

28 **Section 6. DISCLOSURE OF CAMPAIGN FINANCING.**

1 A. All campaign finance records and statements must be open
2 to inspection by the Board of Ethics and Campaign Practices, its designated
3 representative, or its auditor, and upon request of the Board shall be pre-
4 sented to the Board for audit.

5 B. Each candidate for elective office, or person for or
6 against a measure or candidate shall file with the Board a minimum of four
7 statements, each of which shall be cumulative, signed under oath by the
8 candidate or his designated representative, setting forth to 5:00 p.m., of
9 the date preceding the filing of each statement.

10 (1). The total of all campaign contributions and obligations.

11 (2). The name of each contributor, the contributor's prin-
12 cipal business or occupation, and name of employer together with the total
13 cumulative cash value contributed, where that amount equals or exceeds a
14 \$25.00 contribution.

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

18 C. Each Measure Finance Committee which either receives
19 funds in excess of \$100.00 in aid of, or in opposition to the qualification
20 for the ballot or voter approval or disapproval of one or more measures,
21 shall file with the Board a minimum of four statements signed under oath
22 by the Chairman of the Measure Finance Committee setting forth to 5:00 p.m.,
23 of the date preceding the filing of each statement.

24 (1). The total of all campaign contributions and obligations.

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

28 (3). All campaign expenditures including any reimbursements

1 and the nature thereof, including identification of the name of the person or
2 business to whom payment was made.

3 D. The statements shall be filed as follows:

4 (1). Not later than 4:00 p.m. on the Friday prior to an
5 election;

6 (2). Not later than thirty days after an election;

7 (3). Not later than six months after an election if any
8 contributions in the possession of the candidate or measure committee
9 remain unexpended, or if any debt remains unpaid, and;

10 (4). Not after than every twelve months after an election,
11 so long as any debt remains unpaid by the candidate or measure committee.

12 F. [E.] All statements to be filed at the office of the County
13 Manager. The County Manager or his/her designee shall serve
14 as staff liaison to the Board.

15 **Section 7. PRESERVATION OF DISCLOSURE STATEMENTS.**

16 The records and statements required by this ordinance shall be
17 preserved intact as permanent public records by the Board of Ethics and
18 Campaign practices for a period of at least three (3) years from the date of
19 the election in question.

20 **Section 8. LIMITS TO CAMPAIGN FINANCING.**

21 No candidate for elective office or person for or against a measure shall
22 allow contributions or make expenditures in excess of the following for any
23 regular or special elections:

24 A. Any elected office - \$10,000.00 each for any regular or
25 special election.

26 B. Expenditure Limitations for Incumbents. The amounts set
27 forth in Section 8 shall be reduced by ten percent (10%) for an incumbent
28 who is seeking re-election to the same elective office.

1 name and street address, occupation, and the name of his employer, if any,
2 or his principal place of business if he is self-employed, and the full name
3 and contributor.

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

13 D. Anonymous Contributions. No candidate may accept a cash
14 contribution of more than twenty-five dollars (\$25.00). If the candidate
15 is unable to return an anonymous contribution of twenty-five dollars
16 (\$25.00) or more the recipient shall promptly pay such anonymous contribu-
17 tions to the County Clerk for deposit into the General Fund of the
18 County.

19 E. Fund raiser contributions - contributions raised by means of
20 a single or more fund raising activities are not considered anonymous
21 contributions; however, the proceeds received shall be reported in the
22 statement in no less than the following itemized categories included but not
23 limited to;

- 24 (a) Entry fees
- 25 (b) Raffles
- 26 (c) Liquor sales

27 F. The selling of blocks of tickets to an individual in an
28 amount of twenty-five dollars (\$25.00) or more shall be reported as to the

1 individual(s) to whom the tickets were sold.

2 Section 12. REGULATIONS AND ASSISTANCE.

3 A. The Board of Ethics and Campaign Practices shall pro-
4 mulgate reasonable rules and regulations for its conduct and to aid in
5 interpretation and enforcement of this article; provided, that amendments to
6 said rules and regulations shall not be made by the Board during the ninety
7 (90) days preceding an election. The current rules and regulations of the
8 Board of Ethics and Campaign Practices shall be made available in published
9 form as a County Standard Procedure no later than sixty (60) days prior to
10 any regular or special election.

11 B. There is hereby created the position of Campaign and
12 Election Auditor. The Auditor shall be either a Certified Public
13 Accountant, or a Registered Public Accountant, and shall:

14 (1). Be selected by the Board of County Commissioners
15 to serve the Board of Ethics and Campaign Practices and act as an indepen-
16 dent contractor to serve from the established date of filing of the declara-
17 tion of candidacy for each election until sixty (60) days following the
18 specified date set forth for filing of the final statement on disclosure
19 of campaign financing; provided, that the Board with Commission approval
20 in its discretion may retain the services of an auditor for an election
21 in which only measures are to be placed on the ballot.

22 (2). Monitor all disclosure statements to ensure their
23 accuracy and to ensure compliance with the provisions of this Election Code.

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

26 C. At the direction of the Board, the services of the audi-
27 tor shall be available to assist candidates for office in connection with
28 this Election Code.

1 Section 13. ENFORCEMENT.

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

7 B. On referral of such complaint by the Board, the charge shall
8 be investigated and reported to the Board.

9 C. Should the Board find, after due hearing, that the violation
10 has occurred, it may make a public reprimand or refer the matter to the
11 District Attorney for prosecution in a court of competent jurisdiction and
12 imposition of a fine up to three hundred dollars (\$300.00), or imprisonment
13 up to 90 days or both such fine and imprisonment.

14 D. In addition to imposing such sanctions, or as an alter-
15 native thereto, and if the violator be a successful candidate in the elec-
16 tion, the Board of Ethics and Campaign Practices may recommend to the
17 Commission that the evidence be submitted to the Santa Fe County Grand Jury
18 for investigation.

19 E. The Commission may, upon the recommendation of the Board
20 of Ethics and Campaign Practices, after due hearing of the charge, refer to
21 the proper authority for action.

22 [Section 14. NONE WAIVER OF PENALTIES]

23 Nothing herein set forth shall be construed to affect or otherwise dimi-
24 nish any penalties otherwise provided by law for violation of the matters
25 set forth in this Election Code, or shall prevent the Board of Ethics and
26 Campaign Practices from bringing to the attention of the proper authority
27 any alleged violation coming to its attention which may be subject to such
28 other penalties.

1 [Section 15. AMENDMENTS]

2 The above Election Code for Candidates may be amended by ordinance adopted
3 by a majority of the entire membership of the Board of County Commissioners.

4 Section 16. SEVERABILITY-- NO IMPAIRMENT FROM PARTIAL INVALIDITY.

5 The provisions of this ordinance are severable, and if any provision,
6 section, clause, sentence, or part thereof is held to be illegal,
7 invalid, unconstitutional, or inapplicable, to any person, persons, cir-
8 cumstances, situation, or otherwise, the illegality, invalidity, unconstitu-
9 tionality, or inapplicability shall not affect or impair any of the remaining
10 sentences, clauses, sections, articles of this ordinance or their appli-
11 cability to other persons, circumstances, or situations.

12 PASSED, APPROVED AND ADOPTED this 14th day of March, 1983.

13
141 SANTA FE COUNTY

15 By: Samuel J. Garcia
16 Samuel J. Garcia, Chairman
Board of County Commissioners

17 This ordinance was recorded in the Santa Fe County Ordinance Book on the
18 12th day of April, 1983, in Book No. 460 pages 274,
19 through 284. This Ordinance shall take effect thirty (30) days after
20 the date of recording.

22 APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

23 ATTEST:

24 By: Angie Vigil Perez
25 Angie W. Perez, County Clerk

(Montoya, Murphy & Kauffman)

26 By: Donald S. Murphy
27 County Attorney

28 COUNTY OF SANTA FE, N.M.
STATE OF NEW MEXICO

I hereby certify that this instrument was filed
for record on the 12th day of April, A.D.
1983, at 9:38 o'clock A.M.
and was duly recorded in book 460
page 274-284 of the records of Santa Fe County.

Witness my Hand and Seal of Office
ANGIE VIGIL PEREZ
County Clerk, Santa Fe County, N.M.

Dorene Rosales
Deputy

