

CITY of ALBUQUERQUE
TWENTY SIXTH COUNCIL

COUNCIL BILL NO. F/S O-24-25 ENACTMENT NO. 0.2024.036

SPONSORED BY: Joaquín Baca, by request

ORDINANCE

AMENDING ARTICLES XII, XIII AND XVI OF THE CITY CHARTER RELATING TO DISLCOSURE, ELECTIONS AND PUBLIC CAMPAIGN FINANCING.

WHEREAS, additional clarifications around campaign finance reporting requirements are necessary to ensure clarity and transparency; and

WHEREAS, the 2023 election cycle highlighted the need for updates to the Open and Ethical Elections Code to ensure continued participation and compliance; and

WHEREAS, Article XII, XIII and XVI allow for the Council to amend these Articles of the City Charter by ordinance adopted by a majority plus two of the entire membership of the Council voting in favor of such amendment or amendments.

BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

SECTION 1. Article XII of the City Charter is amended as follows, with all sections and subsections renumbered accordingly:

Section 5. DISCLOSURE.

(a) An official of the City with any private financial interest in any contract or other matter pending before or within the governmental body the official is employed by or a member of, shall file an annual disclosure statement to the governmental body.

(b) Any Councilor who has a direct or indirect interest in any matter pending before the Council shall disclose such interest on the records of the Council.

The existence of a direct or indirect private financial interest on any matter coming before the Council, including approval of a contract, shall disqualify a Councilor from debating and voting on the matter. A majority of the remaining

1 members of the Council shall determine whether a Councilor has a direct or
2 indirect interest and whether the Councilor shall be allowed to vote and
3 participate in the decision-making process related to the matter. A Councilor
4 who has a conflict of interest may voluntarily decline to vote and participate in
5 the decision-making process related to the matter.

6 (c) The Mayor and each City Councilor, during their term of office, shall file
7 contribution and expenditure disclosure statements on the second Monday in
8 May and November of each year setting out all contributions and
9 expenditures, as defined in the City Election Code, during the previous period,
10 raised or spent in connection with any campaign or pre-campaign activity for
11 any elected office. Expenditures of public funds in the regular course of the
12 Mayor or Councilor's official duties are not contributions and expenditures
13 subject to such disclosure under this section. The Mayor and Councilors are
14 not required to file a biannual statement if they have had no campaign or pre-
15 campaign contributions or expenditures during the previous period. These
16 reporting requirements shall be in addition to the reporting requirements of
17 the Election Code, provided that any information filed with the City Clerk
18 pursuant to City Charter Article XIII, Section 4(c) need not be included in the
19 subsequent biannual reports required by this section. The contributions and
20 expenditures identified in the biannual statements that are to be applied to a
21 campaign for election to a City office shall be included in the first campaign
22 disclosure report that the candidate files pursuant to the Election Code.

23 (d) All elected officials and Department Directors shall file with the City Clerk
24 an annual disclosure statement listing all of the changes or additions to the
25 disclosure information provided by the elected official at the time of filing his
26 or her declaration of candidacy pursuant to Section 3 of the Election Code or if
27 a Department Director, at the time of beginning their position as a Director. If
28 no changes have occurred, the official shall so state in the annual disclosure
29 statement. The annual disclosure statement shall be due on the first city work
30 day of July and shall be submitted on a form approved by the City Clerk. The
31 annual disclosure statement shall be a public record.

32 (e) In addition to the information disclosed pursuant to Section 3 of the
33 Election Code, the annual disclosure statement for all elected officials and

1 Department Directors shall include the following information for the preceding
2 calendar year:

3 (1) the full name of the reporting individual and the reporting
4 individual's spouse;

5 (2) the name and address of any employer employing the reporting
6 individual or the reporting individual's spouse, the title or position held, and a
7 brief description of the nature of the business or occupation;

8 (3) the identity, zip code, and purpose of use of real property owned by
9 the reporting individual, the reporting individual's spouse, or the reporting
10 individual's dependent children; provided that in the absence of a zip code,
11 the county of situs is required to be disclosed;

12 (4) the identity of assets of more than fifty thousand dollars (\$50,000)
13 directly or beneficially owned by the reporting individual, the reporting
14 individual's spouse or the reporting individual's dependent children; provided
15 that in determining whether an asset has a value of more than fifty thousand
16 dollars (\$50,000), the value should not be reduced by any debt secured by the
17 asset, such as a mortgage or other secured loan, and a good faith estimate of
18 the fair market value of an asset is permitted if the exact value is neither
19 known or easily obtainable. The disclosure of assets shall include:

20 (A) commodities, including the type of commodity;

21 (B) investments in stocks, bonds, futures contracts, options,
22 derivatives, currency, real estate investment trusts, mutual funds, private
23 equity funds, exchange-traded funds, and trust funds of which the reporting
24 individual is a beneficiary; provided that if the investment is or forms part of a
25 fund, the reporting individual is only required to identify the fund, the fund
26 manager, and any underlying holdings of the fund that have a value of more
27 than fifty thousand dollars (\$50,000); and

28 (C) contractual rights that are reasonably likely to generate future
29 income, such as royalties and intellectual property, the names of the
30 contracting parties, and the purpose of the contract;

31 (5) all sources of income equal to or greater than the amount that must
32 be disclosed to the internal revenue service pursuant to 26 U.S.C. Section
33 6041(a), as amended, directly or indirectly accrued by the reporting individual,

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1 the reporting individual's spouse or the reporting individual's dependent
2 children over the age of 18, except for income below \$50,000 accrued by such
3 dependent children, including:

4 (A) the identity of the source of earned income; provided that:

5 (i) if a source of earned income is owed a legal or professional duty
6 of confidentiality and the identity of the source of the income has not been
7 disclosed to a public agency, the reporting individual may identify the source
8 as "confidential" and describe the duty of confidentiality that prevents
9 disclosure of the source of the earned income; and

10 (ii) if an indirect source of earned income is a client of a business
11 entity of which the reporting individual or the reporting individual's spouse is
12 a member, the indirect source of earned income is not required to be
13 disclosed if the reporting individual or the reporting individual's spouse has
14 no role in any matter involving the source; and

15 (B) the identity of sources of unearned income, including taxable
16 interest, capital gains, dividends, annuities, trust distributions, rents from real
17 property and insurance policies;

18 (6) Liabilities of more than five thousand dollars (\$5,000) owed by:

19 (A) the reporting individual, the reporting individual's spouse or the
20 reporting individual's dependent children over the age of 18; and

21 (B) a trust of which the reporting individual, the reporting individual's
22 spouse or the reporting individual's dependent children over the age of 18 are
23 beneficiaries;

24 (7) For a liability identified pursuant to Subsection (6) of this section,
25 the reporting individual shall disclose:

26 (A) the identity of the person who owes the debt or liability;

27 (B) the person to whom the debt or liability is owed;

28 (C) the amount of the debt or liability; and

29 (D) any payments on the debt or liability during the previous calendar
30 year;

31 (8) The disclosure statement is not required to include:

32 (A) ordinary consumer debt;

1 (B) mortgage debt on the primary residence of the reporting
2 individual, the reporting individual's spouse or the reporting individual's
3 dependent children over the age of 18;

4 (C) student loans;

5 (D) liabilities owed to parents, grandparents, children or siblings of
6 the reporting individual, the reporting individual's spouse or the reporting
7 individual's dependent children over the age of 18; and

8 (E) One passenger vehicle registered to the reporting individual, the
9 reporting individual's spouse, and the reporting individual's dependent
10 children over the age of 18;

11 (9) The following information related to any privately held business
12 controlled by the reporting individual, the reporting individual's spouse or the
13 reporting individual's dependent children over the age of 18:

14 (A) the name of the business entity, a brief description of the nature of
15 its activities and its geographic location, including the City and State; and

16 (B) for a privately held business entity formed for the purpose of
17 holding investments:

18 (i) assets of more than fifty thousand dollars (\$50,000) or that
19 generated income directly or beneficially owned by the business entity in an
20 amount equal to or greater than the amount that must be disclosed to the
21 internal revenue service pursuant to 26 U.S.C. Section 6041(a), as amended;
22 provided that in determining whether an asset has a value of more than fifty
23 thousand dollars (\$50,000), the value should not be reduced by any debt
24 secured by the asset, such as a mortgage or other secured loan; and

25 (ii) any liability of the business entity in an amount greater than fifty
26 thousand dollars (\$50,000), including:

27 (a) the identity of the business entity that owes the debt or liability;

28 (b) the person to which the debt or liability is owned;

29 (c) the amount of the debt or liability; and

30 (d) any payments on the debt or liability during the previous
31 calendar year;

32 (10) The following information related to professional licenses,
33 memberships and offices held for the prior calendar year:

1 (A) professional licenses held by the reporting individual and the
2 reporting individual's spouse; and

3 (B) board memberships, offices or other positions held by the
4 reporting individual and the reporting individual's spouse in:

5 (i) corporations, partnerships, trusts or other for-profit business
6 entities; and

7 (ii) nonprofit organizations, educational organizations, political
8 organizations or other nongovernmental organizations; and

9 (11) Any gift received in the prior calendar year by the reporting
10 individual, the reporting individual's spouse or the reporting individual's
11 dependent children over the age of 18 having a market value greater than fifty
12 dollars (\$50.00) from a restricted donor, a registered lobbyist, a lobbyist's
13 employer, a government contractor or a person that has responded to a
14 request for proposals or an invitation to bid issued by the City.

15 SECTION 2. Article XIII of the City Charter is amended as follows, with all
16 sections and subsections renumbered accordingly:

17 "Section 2. DEFINITIONS.

18 (a) "Anonymous Contribution" means a contribution received by a candidate
19 or a Measure Finance Committee for which the contributor cannot be
20 identified. Contributions received by a host pursuant to Section 4(j) of this
21 Election Code shall not be considered anonymous contributions.

22 (b) "Broadly Distributed" means material that has been sent, delivered, or
23 transmitted to more than 100 people.

24 (c) "Board" means the Board of Ethics and Campaign Practices established
25 pursuant to Article XII of this Charter.

26 (d) "Campaign Materials" means any published, printed or broadly distributed
27 campaign advertising or communications such as newspaper advertisements,
28 handbills, petitions, circulars, letters, radio or TV broadcasts, cable
29 distributions, social media sites, websites, electronic or telephonic
30 transmissions or similar written material used in a campaign by a candidate or
31 a Measure Finance Committee.

32 (e) "Candidate" means any individual who has (1) obtained a nominating
33 petition from the City Clerk pursuant to Section 4(c)1.D. of this Election Code

1 for the office of Mayor or Councilor, (2) filed an affidavit on a form approved by
2 the City Clerk, stating that he or she is a candidate for either the office of
3 Mayor or City Councilor, (3) filed as a candidate for elected office as required
4 by law, whichever first occurs, or (4) has received or solicited contributions or
5 made expenditures of one thousand dollars (\$1,000) or more or authorized
6 another person or campaign committee to receive or solicit contributions or
7 make expenditures of one thousand dollars (\$1,000) or more for the purpose
8 of seeking election to the office.

9 (f) "Candidate Finance Committee" consists of the candidate, the candidate's
10 treasurer, and any person authorized either expressly or by implication by the
11 candidate to participate in the solicitation, receipt, expenditure, or
12 employment of contributions on behalf of the candidate. "Member of the
13 Candidate Committee" means any such person.

14 (g) "Candidate's Treasurer" means the person who is appointed by a candidate
15 to receive, keep and disburse all money which may be collected, received or
16 disbursed by the candidate, the Candidate Finance Committee, or any of its
17 members.

18 (h) "Contributions" means:

19 1. Monies, loans, debts incurred, obligations incurred, property in-kind,
20 including the use thereof, or commercial or professional services:

21 A. Incurred or received by a candidate, the candidate's treasurer, the
22 Candidate Finance Committee, or a member thereof on behalf of the
23 candidate, or by a Measure Finance Committee or a member thereof on behalf
24 of the Committee. For the purposes of this Subsection, a debt or obligation
25 shall be considered incurred at the time authorization is given or contract
26 made for the debt or obligation.

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

- 1 2. Contributions of property, including the use thereof, and contributions of
2 commercial or professional services shall be attributed a cash value equal to
3 their fair market value.
- 4 3. Notwithstanding the foregoing, none of the following shall be considered
5 a contribution: a candidate's own services and property, other than cash; the
6 use of a dwelling unit and residential premises incidental thereto for any
7 campaign purpose and the provision of refreshments and entertainment in
8 connection with such use; the services of the person who is performing the
9 duties of the candidate's treasurer; and the use of vehicles for any campaign
10 purpose other than in connection with the performance of a commercial or
11 professional service.
- 12 4. The payment or waiver of legal fees to advise a candidate on compliance
13 with campaign laws or regulations, and payment or waiver of legal fees or court
14 costs to represent a candidate or candidate committee in any action
15 reasonably related to the campaign or election in which the candidate or
16 committee has been named as a defendant, are contributions that must be
17 disclosed, but are not subject to any contribution limits in the Charter.
- 18 (i) "Coordinated Expenditure" means an expenditure that is made:
 - 19 1. by a person other than the candidate or campaign committee;
 - 20 2. at the request or suggestion of, or in cooperation, consultation or
21 concert with, a candidate, campaign committee or political party or any agent
22 or representative of a candidate, campaign committee or political party; and
23 3. for the purpose of:
 - 24 A. supporting or opposing the nomination or election of a candidate; or
 - 25 B. paying for an advertisement that refers to a clearly identified
26 candidate and is published and disseminated to the relevant electorate in New
27 Mexico within thirty days before the primary election or sixty days before the
28 general election in which the candidate is on the ballot.
- 29 (j) "Corporation" means a corporation, company, limited liability company,
30 limited partnership, business trust, business association, or other similar
31 entity.
- 32 (k) "Covered Office" means the office of Mayor of the City of Albuquerque or
33 the office of any City Councilor.

1 (l) "Disclaimer" means a notice that identifies the person(s) or organization(s)
2 who paid for a communication and whether the communication was
3 authorized by one or more candidates.

4 (m) "Disclosure reports" means statements filed by candidates and
5 committees in the electronic campaign finance reporting system as required
6 pursuant to Article XIII, Section 4.

7 (n) "Early Voter" means a voter who votes in person before election day, and
8 has not been issued an absentee ballot at the time the voter presents himself
9 at an early voting location.

10 (o) "Election" means any City of Albuquerque municipal election.

11 (p) "Electioneering Communication" means any audio or visual
12 communication in any form that is broadcast or distributed by any means that:

13 (1) unambiguously refers to any candidate or ballot measure;

14 (2) is broadcast, printed, mailed, delivered, or distributed within the 60 days
15 preceding a regular or special election, or 45 days preceding a runoff election;
16 and

17 (3) is broadcast to, printed in a newspaper, distributed to, mailed to,
18 delivered by hand or otherwise distributed to an audience that includes
19 members of the electorate for a covered office.

20 (q) "Express Advocacy" means an expenditure made by a person or group,
21 other than a candidate or candidate's committee, that advocates the election
22 or defeat of a candidate or ballot measure, including all costs of designing,
23 producing, or disseminating a communication that contains phrases such as
24 "vote for", "re-elect", "support", "cast your ballot for", "name of candidate for
25 name of office", "name of candidate in year", "vote against", "defeat",
26 "reject", or similar phrases, or other explicit references to a candidate or ballot
27 measure that indicates intent to influence an election.

28 (r) "Expenditure" means the payment or furnishing of money or anything of
29 value or the incurring or repayment of indebtedness or obligation, by or on
30 behalf of any person, candidate or political committee in consideration for any
31 services, supplies, equipment or other thing of value performed or furnished
32 for any reason, including support of or opposition to a candidate or political
33 committee or for reducing the debt of a candidate or political committee.

1 Notwithstanding any other provision of the Charter, for the purposes of
2 Election Code and the Open and Ethical Elections Code, the payment of legal
3 fees to advise a candidate on compliance with campaign laws or regulations,
4 and the payment of legal fees or court costs to represent a candidate or
5 candidate committee in any action reasonably related to the campaign or
6 election in which the candidate or committee has been named as a defendant,
7 are expenditures that must be disclosed, but are not subject to any
8 expenditure limits in the Charter.

9 (s) "Foreign-influenced corporation" means one or more foreign investors, in
10 aggregate, holds, owns, controls, or otherwise has direct or indirect beneficial
11 ownership of fifty percent or more of the total equity, outstanding voting
12 shares, membership units, or other applicable ownership interests of the
13 corporation.

14 (t) "Foreign investor" means a person or entity that:

15 1. Holds, owns, controls, or otherwise has direct or indirect beneficial
16 ownership of equity, outstanding voting shares, membership units, or other
17 applicable ownership interests of a corporation; and

18 2. Is a government of a foreign country; a political party of a foreign
19 country; a partnership, association, corporation, organization, or other
20 combination of persons organized under the laws of or having its principal
21 place of business in a foreign country; or an individual, not lawfully admitted
22 for permanent residence, who is not a citizen of the United States or a national
23 of the United States.

24 (u) "Immediate Family" means the candidate's spouse, parent, grandparent,
25 child, grandchild, sister, half-sister, brother, half-brother, stepparent, step-
26 grandparent, stepchild, step-grandchild, stepsister, stepbrother, mother-in-
27 law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law,
28 guardian, former guardian, domestic partner, and the immediate family of the
29 candidate's spouse or domestic partner.

30 (v) "Independent Expenditure" mean any funds spent on express advocacy or
31 electioneering communications that are made without the cooperation,
32 consultation or coordination with, or at the request or suggestion of, a
33 candidate, a candidate's authorized committee or an agent thereof. An

1 independent expenditure may include materials already distributed to the
2 public or broadcast by a candidate, the candidates authorized committee or an
3 agent thereof.

4 (w) "Mass Communications" means any communication of substantially
5 identical content reasonably expected to reach 100 or more individuals within
6 three (3) months of a regular or special election, or within 45 days of a runoff
7 election. This includes communications sent directly to individuals, and
8 communications placed or posted where they will likely be seen by 100 or
9 more individuals, such as signs.

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

12 (y) "Measure Finance Committee" means a political committee or any person
13 or combination of two or more persons acting jointly in aid of or in opposition
14 to the effort of anyone seeking to have their name placed on the ballot for city
15 office, a petition to place a measure on the ballot pursuant to Article III of this
16 Charter, voter approval or disapproval of one or more measures on the ballot
17 and/or the election to, or recall from, office of one or more candidates for
18 office when such person or people have accepted contributions in excess of
19 \$250 or make expenditures in excess of \$250 for any of the purposes listed
20 heretofore.

21 (z) "Person" means any individual, cooperative association, club, corporation,
22 company, firm, partnership, joint venture syndicate, profit or nonprofit
23 organization, or other entity.

24 (aa) "In-Kind Contribution" means a good or service, other than money, having
25 monetary value not to exceed the limits set in Section 4 of Article XIII, but not
26 including an individual who volunteers his own personal service. Professional
27 services, including legal services, accounting services, consulting services
28 and similar services provided directly from the professional to the Candidate
29 are permitted, provided no single In-Kind Contributor exceeds the limits set in
30 Section 4 of Article XIII. Notwithstanding the foregoing, a Candidate may
31 accept unlimited In-Kind Contributions in the following areas:

32 (1) legal services provided directly from attorneys for the purpose of
33 providing legal advice to comply with election laws and public financing laws,

(2) professional services provided directly from the professional, including attorneys, experts and consultants, for the sole purpose of participating in a proceeding under Section 8 of the Code of Ethics, Section 10 of the Election Code, and Sections 20 and 21 of the Open and Ethical Elections Code; and (3) office space.

Such In-Kind Contributions shall be reported on the next statement filed with the Clerk or within 30 days of receiving the goods or services.

(bb) "Reporting individual" means every public official, candidate or treasurer of a campaign committee and every treasurer of a Measure Finance Committee.

SECTION 3. CANDIDATE DISCLOSURE.

Each candidate shall file a financial disclosure with the City Clerk. The candidate disclosure shall be filed with the City Clerk when the candidate becomes a declared candidate, be on a form prescribed by the City Clerk, and shall be sworn and attested to under penalty of perjury by the Candidate.

The Candidate disclosure statement shall be a public record. The Candidate disclosure statement shall include:

(1) the full name of the reporting individual and the reporting individual's spouse;

(2) the name and address of any employer employing the reporting individual or the reporting individual's spouse, the title or position held, and a brief description of the nature of the business or occupation;

(3) the identity, zip code, and purpose of use of real property owned by the reporting individual, the reporting individual's spouse or the reporting individual's dependent children over the age of 18; provided that in the absence of a zip code, the county of situs is required to be disclosed;

(4) the identity of assets of more than fifty thousand dollars (\$50,000) directly or beneficially owned by the reporting individual, the reporting individual's spouse or the reporting individual's dependent children over the age of 18; provided that in determining whether an asset has a value of more than fifty thousand dollars (\$50,000), the value should not be reduced by any debt secured by the asset, such as a mortgage or other secured loan, and a good faith estimate of the fair market value of an asset is permitted if the exact

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1 value is neither known or easily obtainable. The disclosure of assets shall
2 include:

3 (A) commodities, including the type of commodity;

4 (B) investments in stocks, bonds, futures contracts, options, derivatives,
5 currency, real estate investment trusts, mutual funds, private equity funds,
6 exchange-traded funds, and trust funds of which the reporting individual is a
7 beneficiary; provided that if the investment is or forms part of a fund, the
8 reporting individual is only required to identify the fund, the fund manager,
9 and any underlying holdings of the fund if it has a value of more than fifty
10 thousand dollars (\$50,000); and

11 (C) contractual rights reasonably likely to generate future income, such
12 as royalties and intellectual property, the names of the contracting parties,
13 and the purpose of the contract;

14 (5) all sources of income equal to or greater than the amount that must be
15 disclosed to the internal revenue service pursuant to 26 U.S.C. Section
16 6041(a), as amended, directly or indirectly accrued by the reporting individual,
17 the reporting individual's spouse or the reporting individual's dependent
18 children over the age of 18, including:

19 (A) the identity of the source of earned income; provided that:

20 (i) if a source of earned income is owed a legal or professional duty of
21 confidentiality and the identity of the source of the income has not been
22 disclosed to a public agency, the reporting individual may identify the source
23 as "confidential" and describe the duty of confidentiality that prevents
24 disclosure of the source of the earned income;

25 (ii) if an indirect source of earned income is a client of a business entity
26 of which the reporting individual or the reporting individual's spouse is a
27 member, the indirect source of earned income is not required to be disclosed
28 if the reporting individual or the reporting individual's spouse has no role in
29 any matter involving the source; and

30 (B) the identity of sources of unearned income, including taxable
31 interest, capital gains, dividends, annuities, trust distributions, rents from real
32 property and insurance policies;

33 (6) Liabilities of more than five thousand dollars (\$5,000) owed by:

1 (A) the reporting individual, the reporting individual's spouse or the
2 reporting individual's dependent children over the age of 18; and

3 (B) a trust of which the reporting individual, the reporting individual's
4 spouse or the reporting individual's dependent children over the age of 18 are
5 beneficiaries;

6 (7) For a liability identified pursuant to Subsection (6) of this section, the
7 reporting individual shall disclose:

8 (A) the identity of the person who owes the debt or liability;

9 (B) the person to whom the debt or liability is owed;

10 (C) the amount of the debt or liability; and

11 (D) any payments on the debt or liability during the previous calendar
12 year;

13 (8) For a liability identified pursuant to Subsection (6) of this section, the
14 reporting individual is not required to disclose:

15 (A) ordinary consumer debt;

16 (B) mortgage debt on the primary residence of the reporting individual,
17 the reporting individual's spouse or the reporting individual's dependent
18 children over the age of 18;

19 (C) student loans; and

20 (D) liabilities owed to parents, grandparents, dependent children over the
21 age of 18 or siblings of the reporting individual, the reporting individual's
22 spouse or the reporting individual's dependent children over the age of 18;

23 (E) One passenger vehicle registered to the reporting individual, the
24 reporting individual's spouse, and the reporting individual's dependent
25 children over the age of 18;

26 (9) The following information related to any privately held business
27 controlled by the reporting individual, the reporting individual's spouse or the
28 reporting individual's dependent children over the age of 18:

29 (A) the name of the business entity, a brief description of the nature of its
30 activities and its geographic location, including the city and state; and

31 (B) for a privately held business entity formed for the purpose of holding
32 investments:

(i) assets of more than fifty thousand dollars (\$50,000) or that generated income directly or beneficially owned by the business entity in an amount equal to or greater than the amount that must be disclosed to the internal revenue service pursuant to 26 U.S.C. Section 6041(a), as amended; provided that in determining whether an asset has a value of more than fifty thousand dollars (\$50,000), the value should not be reduced by any debt secured by the asset, such as a mortgage or other secured loan; and

(ii) any liability of the business entity in an amount greater than fifty thousand dollars (\$50,000), including:

(a) the identity of the business entity that owes the debt or liability;

(b) the person to which the debt or liability is owed;

(c) the amount of the debt or liability; and

(d) any payments on the debt or liability during the previous calendar year;

(10) The following information related to professional licenses, memberships and offices held for the prior calendar year:

(A) professional licenses held by the reporting individual and the reporting individual's spouse; and

(B) board memberships, offices or other positions held by the reporting individual and the reporting individual's spouse in:

(i) corporations, partnerships, trusts or other for-profit business entities; and

(ii) nonprofit organizations, educational organizations, political organizations or other nongovernmental organizations; and

(11) Any gift received in the prior calendar year by the reporting individual, the reporting individual's spouse or the reporting individual's dependent children over the age of 18 having a market value greater than fifty dollars (\$50.00) from a restricted donor, a registered lobbyist, a lobbyist's employer, a government contractor or a person that has responded to a request for proposals or an invitation to bid issued by the City.

SECTION 4. CAMPAIGN FINANCING.

(a) *One Candidate Finance Committee*. Each candidate shall establish no more than one Candidate Finance Committee and shall appoint a treasurer who

1 shall not be the candidate.

2 (b) *Measure Finance Committee*. Each Measure Finance Committee shall
3 appoint a treasurer who shall not be the chairperson.

4 (c) *One Bank Account Filing Requirements*.

5 1. Each candidate or the candidate's treasurer and each Measure Finance
6 Committee shall establish one and only one campaign bank checking account
7 for each election. The City Clerk shall issue a form to be submitted by
8 campaigns and committees disclosing bank account information.

9 2. All contributions of monies received for the benefit of the candidate's
10 campaign or the Measure Finance Committee shall be deposited in that
11 account, and all disbursements shall be made from that account.

12 3. Each candidate and Measure Finance Committee shall submit monthly
13 bank statements reflecting the previous month's activities directly to the
14 Campaign and Election Auditor by the second Monday of each month. Monthly
15 bank statements shall be submitted each month for the duration of the
16 election cycle as long as the campaign or committee is required to file a report
17 pursuant to Article XIII Section 4(d)(2)(F) or (G).

18 4. Upon the request of the Clerk, each candidate, the candidate's treasurer,
19 or the chairperson or treasurer of each Measure Finance Committee shall
20 provide to the Clerk all bank records, canceled checks, and any other financial
21 information relating to the campaign as may be requested by the Clerk.

22 (d) *Disclosure of Campaign Financing*.

23 1. Each candidate for the office of Mayor or Councilor and each Measure
24 Finance Committee, shall file with the City Clerk the statements required in
25 Section 4(c)2 of this Election Code, each of which shall be cumulative, signed
26 under oath by the candidate or the candidate's treasurer or by the chairperson
27 or treasurer of the Measure Finance Committee, setting forth through 5:00
28 p.m. of the day preceding the filing of each statement:

29 A. The total of all contributions, which shall include all contributions
30 received, regardless of whether the contribution has been deposited in the
31 candidate's or Measure Finance Committee's campaign bank account. A
32 contribution is deemed received when a candidate or a Measure Finance

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1 Committee or any agent of a candidate or a Measure Finance Committee
2 receives a contribution or the benefit of the services donated.

3 B. When the contributor is an individual, the name and address of the
4 contributor, the contributor's principal business or occupation, the name and
5 address of the contributor's employer, if self-employed, the address of the
6 contributor's business, and the nature of the contributor's or the contributor's
7 employer's business. If the contributor is retired or not employed, the
8 residential address of the contributor shall be disclosed. When the contributor
9 is an entity other than an individual, the name and address of the contributor,
10 the business or activities conducted by the contributor and the owners and
11 managers of the contributor. The amount of each contribution and the
12 cumulative value of all contributions contributed by the contributor shall be
13 disclosed. Measure Finance Committees that support or oppose more than
14 one candidate or measure shall specify in separate sections in each
15 disclosure statement the candidate or measure to which each contribution and
16 expenditure applies. In the event a contribution or expenditure applies to more
17 than one candidate or measure, the pro rata share of such contribution or
18 expenditure shall be clearly identified for each candidate or measure.

19 C. All expenditures made on behalf of the campaign, including any
20 reimbursements and the nature thereof, and the name and address of the
21 person or business to which payment was made.

22 A. Reporting of expenditures shall include for each expenditure
23 including type and quantity of items purchased, names and roles of staff paid,
24 names of companies and materials produced, etc.

25 B. The Campaign and Election Auditor, as provided for in Article XIII,
26 Section 9 shall, at their discretion, request additional details of expenditures
27 or contributions.

28 D. A person seeking to qualify to be on the ballot for the office of Mayor or
29 Councilor shall include any person who has obtained a nominating petition
30 form approved by the City Clerk, or who has received or solicited
31 contributions or made expenditures of one thousand dollars (\$1,000) or more
32 or authorized another person or campaign committee to receive or solicit
33 contributions or make expenditures of one thousand dollars (\$1,000) or more

1 for the purpose of seeking election to the office. The City Clerk shall issue an
2 approved nominating petition only to the person seeking to be on the ballot.
3 Such approved nominating petition forms shall state the name of the person
4 and the City office for which such person is petitioning to qualify to be on the
5 ballot. People who have sought to be on the ballot as described above, but
6 who do not qualify for the ballot or do not file a declaration of candidacy are
7 required to file as provided in this section by 5:00 p.m. on the second Monday
8 in May, a report of all expenditures made and contributions received on or
9 before the first Monday in May and not previously reported and to file a final
10 report by 5:00 p.m. on the second Monday in November, a report of all
11 expenditures made and contributions received on or before the first Monday in
12 November and not previously reported.

13 E. Within 48 hours of the receipt of a statement listing campaign
14 contributors, or as soon thereafter as reasonably possible, the Purchasing
15 Office shall determine if any contributor has business dealings with the City.
16 For the purposes of this section, a person is deemed to have business
17 dealings if the person or in the case of an individual, the contributor's
18 principal business or the contributor's employer has received \$20,000 or more
19 pursuant to a contract with the City in the 24 months prior to the date of
20 contribution. The Purchasing Office shall immediately notify the City Clerk of
21 any campaign contributors who have business dealings with the City and the
22 City Clerk shall post that information (including: contribution amount,
23 recipient and business relationship) on the City's website.

24 F. The Purchasing Office shall maintain a list of all contributors to the
25 campaign of any elected Mayor or Councilor and, for a period of one and one-
26 half years following the election of that Official, shall notify the City Clerk of
27 any campaign contributors who form business dealings with the City, as
28 defined in the preceding paragraph, and the City Clerk shall post that
29 information (including: contribution amount, recipient and business
30 relationship) on the City's website.

31 G. In addition to other campaign disclosure requirements of the Election
32 Code, a candidate shall designate in his or her disclosure reports those
33 contributors who have contracts pursuant to which they receive funds from

1 the employer of the candidate if the candidate was solely or partially
2 responsible for the recommendation or award of the contract or for the
3 administration of the contract. The City Clerk shall post this designation
4 separately from the other contributions on the City's website.

5 2. The statements required by this subsection shall be filed as follows:

6 A. Except as otherwise provided in this section, a reporting individual shall
7 file with the City Clerk by 5:00 p.m. on the second Monday in May and
8 November a report of all expenditures made and contributions received on or
9 before the first Monday in those months and not previously reported. The
10 report shall be filed biannually until the reporting individual's bank account
11 has been closed and the other provisions specified in Subsection F of this
12 section have been satisfied.

13 B. In an election year, instead of the biannual reports provided for in
14 Subsection A of this section, reporting individuals, except for public officials
15 who are not candidates in an election that year, shall file reports of all
16 expenditures made and contributions received or, if applicable, statements of
17 no activity, according to the following schedule:

18 (1) by 5:00 p.m. on the second Monday in April, a report of all
19 expenditures made and contributions received on or before the first Monday in
20 April and not previously reported;

21 (2) by 5:00 p.m. on the second Monday in May, a report of all
22 expenditures made and contributions received on or before the first Monday in
23 May and not previously reported;

24 (3) by 5:00 p.m. on the second Monday in June, a report of all
25 expenditures made and contributions received on or before the first Monday in
26 June and not previously reported;

27 (4) by 5:00 p.m. on the second Monday in July, a report of all
28 expenditures made and contributions received on or before the first Monday in
29 July and not previously reported;

30 (5) by 5:00 p.m. on the second Monday in August, a report of all
31 expenditures made and contributions received on or before the first Monday in
32 August and not previously reported;

1 (6) by 5:00 p.m. on the second Monday in September, a report of all
2 expenditures made and contributions received on or before the first Monday in
3 September and not previously reported;

4 (7) beginning on the second Monday in October, by 5:00 p.m. on every
5 Monday thereafter before the regular election candidates shall file a report of
6 all expenditures made and contributions received on or before the previous
7 Friday and not previously reported;

8 (8) beginning on the Friday before the regular election, any contribution
9 or pledge to contribute that is for five hundred dollars (\$500) or more shall be
10 reported to the City Clerk in a supplemental report on a prescribed form within
11 twenty-four hours of receipt;

12 (9) run-off candidates and Measure Finance Committees shall file
13 statements as follows:

14 i. beginning on the first Monday following the regular election, by
15 5:00 p.m. on every Monday before the run-off election candidates shall file a
16 report of all expenditures made and contributions received on or before the
17 previous Friday and not previously reported; and

18 ii. beginning on the Friday before the run-off election, any
19 contribution or pledge to contribute that is for five hundred dollars (\$500) or
20 more shall be reported to the City Clerk in a supplemental report on a
21 prescribed form within twenty-four hours of receipt;

22 (10) In the event of a special election, reporting individuals, except for
23 public officials who are not candidates in the special election, shall file reports
24 of all expenditures made and contributions received as follows:

25 i. beginning on the first Monday following the County Clerk's first
26 publication of the special election resolution, by 5:00 p.m. on every Monday
27 before the special election reporting individuals shall file a report of all
28 expenditures made and contributions received on or before the previous
29 Friday and not previously reported; and

30 ii. beginning on the Friday before the special election, any
31 contribution or pledge to contribute that is for five hundred dollars (\$500) or
32 more shall be reported to the City Clerk in a supplemental report on a
33 prescribed form within twenty-four hours of receipt;

1 (11) by 5:00 p.m. on the thirtieth day after a regular, run-off, or special
2 election, a report of all expenditures made and contributions received on or
3 before the twenty-fifth day after the election and not previously reported.

4 C. If a candidate or public official has not received any contributions and
5 has not made any expenditures since the candidate's or official's last report
6 was filed with the proper filing officer, the candidate or official shall only be
7 required to file a statement of no activity, which shall not be required to be
8 notarized, in lieu of a full report when that report would otherwise be due and
9 shall not be required to file a full report until the next required filing date
10 occurring after an expenditure is made or a contribution is received.

11 D. In an election year, a public official who is not a candidate shall file
12 biannual reports of expenditures made and contributions received or
13 statements of no activity in accordance with the schedule provided for in
14 Subsection A of this section.

15 E. A report of expenditures and contributions filed after a deadline set forth
16 in this section shall not be deemed to have been timely filed.

17 F. Except for candidates and public officials who file a statement of no
18 activity, each reporting individual shall file a report of expenditures and
19 contributions pursuant to the filing schedules set forth in this section,
20 regardless of whether any expenditures were made or contributions were
21 received during the reporting period. Reports shall be required until the
22 reporting individual delivers a report to the City Clerk stating that:

23 (1) there are no outstanding campaign debts;

24 (2) all money has been expended in accordance with the provisions Section
25 4 of Article XIII, the Election Code; and

26 (3) the bank account has a zero balance

27 G. Each treasurer of a Measure Finance Committee shall file a report of
28 expenditures and contributions pursuant to the filing schedules set forth in
29 this section until the treasurer files a report that affirms that the committee
30 has dissolved or no longer exists, and that its bank account has a zero
31 balance.

32 H. A reporting individual who is a candidate within the meaning of the
33 Election Code because of the amount of contributions the candidate receives

1 or expenditures the candidate makes and who does not ultimately file a
2 declaration of candidacy or a nominating petition with the City Clerk and does
3 not file a statement of no activity shall file biannual reports in accordance with
4 Subsection A of this section.

5 I. Reports required by this section shall be subscribed and sworn to by the
6 candidate or the treasurer of the Measure Finance Committee. A report filed
7 electronically shall be electronically authenticated by the candidate or the
8 treasurer of the Measure Finance Committee using an electronic signature in
9 conformance with the Uniform Electronic Transactions Act. For the purposes
10 of Article XIII, Section 4, a report that is electronically authenticated in
11 accordance with the provisions of this subsection shall be deemed to have
12 been subscribed and sworn to by the candidate or the treasurer of the political
13 committee who was required to file the report.

14 J. Reports required by this section shall be filed electronically by all
15 reporting individuals.

16 K. Reporting individuals may apply to the City Clerk for exemption from
17 electronic filing in case of hardship, which shall be defined by the City Clerk.

18 (e) *Limits to Contributions*. No privately financed candidate shall, for any one
19 election, allow total contributions, including in-kind contributions, from any
20 one person with the exception of contributions from the candidate themselves
21 of more than \$2,000 for Council Candidates and \$6,000 for Mayoral
22 Candidates. Limitations on contributions for publicly financed candidates are
23 detailed in the Open and Ethical Elections Act.

24 (1) Beginning January 15, 2027, and every two years thereafter, the Clerk shall
25 adjust the contribution limit based on the change in the Consumer Price Index
26 for All Urban Consumers (CPI-U) as published by the United States Bureau of
27 Labor Statistics. The adjustment shall reflect the percentage change in the
28 CPI-U from January 1, 2024, to December 31 of the year preceding the
29 adjustment.

30 (f) *Ban on Contributions from City Contractors*. No candidate for Mayor or
31 Council, or Official who is a candidate for an office other than Mayor or
32 Council, shall accept a contribution in support of the candidate's campaign
33 from any person or entity, other than a City employee, who at the time of the

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1 contribution is in a contractual relationship with the City to provide goods or
2 services to the City. Nor shall any candidate for Mayor or Council, or Official
3 who is a candidate for an office other than Mayor or Council, accept a
4 contribution that is knowingly given on behalf of any person or entity who, at
5 the time of the contribution, is in a contractual relationship with the City to
6 provide goods or services to the City. The remedy for an unknowing violation
7 of this subsection shall be the return of the contribution.

8 (g) *Ban on Contributions from Foreign Nationals.* No candidate for Mayor or
9 Council, shall accept a contribution in support of the candidate's campaign
10 from any person or entity from a foreign national without lawful United States
11 permanent residence.

12 (h) *Ban on Contributions from Foreign-Influenced Corporations.* No candidate
13 for Mayor or Council, shall accept a contribution in support of the candidate's
14 campaign from any foreign-influenced corporation.

15 (i) *Unexpended Contributions.* Any contributions not expended on the
16 campaign shall be disposed of, such that the campaign account is brought to
17 a zero balance, at the option of the candidate or chairperson of a Measure
18 Finance Committee, by one of the following methods:

19 (1) Retained in the campaign or Measure Finance Committee banking
20 checking account for a possible runoff election for that office,

21 (2) Returned to the person who made the contribution,

22 (3) Placed in the City's General Fund, or

23 (4) Given to a charity identified by the candidate.

24 The final campaign financing statement shall reflect the final disposition of
25 such contributions.

26 (j) *Anonymous Contributions.*

27 (1) All anonymous contributions shall be disposed of by a candidate or the
28 chairperson of a Measure Finance Committee either by placing the
29 contribution in the City's General Fund or by giving the contribution to a
30 charity.

31 (2) An anonymous contribution shall not be considered to be a contribution
32 to or expenditure of the campaign; however, a record of all anonymous
33 contributions shall be kept by the candidate or the candidate's treasurer, or by

1 the chairperson or treasurer of the Measure Finance Committee and the
2 receipt and disposition of every anonymous contribution shall be reported in
3 the campaign financing disclosure statements required by subsection (d) of
4 this section are filed. Such report must disclose the goods, services, monies,
5 or other contributions received, its value, the date of receipt and the date and
6 method of disposition.

7 (k) For the purposes of this section, contributions and expenditures include
8 those contributions received and expenditures made by or on behalf of an
9 individual at any time prior to the individual filing a Declaration of Candidacy
10 for the office of Mayor or Councilor through the time the final campaign
11 financing disclosure statement is due, or by or on behalf of a Measure Finance
12 Committee at any time prior to the relevant election through the time the final
13 campaign financing disclosure statement is due.

14 *(l) Campaign Finance Records.*

15 1. All campaign finance records and statements shall be open to inspection
16 and/or audit by the Board, its designated representative, or its auditor;
17 statements shall be presented to the Board for inspection or audit, or both.
18 The City Clerk shall create an electronic data base for all campaign reporting
19 required in this Election Code and place that information on the City's web
20 site.

21 2. Campaign Financial Records.

22 A. Each candidate or the candidate's treasurer and each
23 chairperson or treasurer of a Measure Finance Committee shall keep financial
24 records of the campaign for a period of one year following the date of
25 election, to assure their availability in the event of complaint or inquiry by the
26 Board. Such campaign financial records shall include records of all
27 contributions, regardless of amount, expenditures, canceled checks,
28 invoices, receipts, bank statements, bills of sales, statements of accounts,
29 leases, rental agreements, and all other financial records pertinent to the
30 campaign.

31 B. In preparing and maintaining financial records, ledgers,
32 journals, or otherwise, and in recording contributions and expenditures on
33 the statements required by subsection (c) of this section, each candidate or

1 the candidate's treasurer and each chairperson or treasurer of a Measure
2 Finance Committee shall:

3 1) Record in-kind contributions as both contributions and
4 expenditures equal to the fair market value of the goods or services received.

5 2) Record campaign loans as contributions, with subsequent
6 repayment of loans credited against contributions.

7 3) Record returned contributions as credits against
8 contributions.

9 4) Record names of contributors on the bank deposit slips.

10 3. During the election cycle, or within one year after the date of the election,
11 the Campaign and Election Auditor, as provided for in Article XIII, Section 9
12 may request a candidate or committees' campaign finance records so the
13 Campaign and Election Auditor can perform an additional audit on the
14 campaign or committee. The results of the audit will be submitted to the
15 Board of Ethics and the City Clerk.

16 (m) *Fund-Raising Activity*.

17 a. The gross receipts of a fund-raising activity on behalf of a
18 candidate are considered to be campaign contributions, and all expenditures
19 associated with such a fund-raising activity are considered to be campaign
20 expenditures. As used in this subsection, the term "gross receipts" includes
21 all monies and donations of any kind which are received as part of the fund-
22 raising activity.

23 b. The host of a fund-raising activity on behalf of a candidate or
24 Committee shall be responsible for reporting the contributions resulting from
25 the activity unless contributors are identified in the required manner on the
26 Disclosure of Campaign Financing Statement, and the limits to contributions
27 specified in subsection (e) of this Section 4 shall apply as if the total
28 contributions at the fund-raising activity, not otherwise reported, were made
29 by the host.

30 (n) *Measure Campaign Financing*. Any person or group which has contributed
31 in excess of thirty percent of the Mayor's salary to support or oppose a
32 measure or candidate shall have the name of such person or group inserted
33 into the name of the Measure Campaign Committee to which the funds were

1 contributed or shall create a new committee with the name of the contributor
2 in the committee name. It is the obligation of the Measure Finance Committee
3 to immediately inform the Clerk of the Committee's required name change by
4 forming a new committee with the funds, or updating the committee name
5 with the City Clerk's Office and on the campaign finance website; the
6 Committee shall simultaneously report the amount of the contribution which
7 triggers the name change. For the purposes of this subsection, "Mayor's
8 salary" means the salary paid by the City of Albuquerque as of the date of the
9 contribution; support or oppose a measure or candidate covers qualification
10 for the ballot plus voter approval or disapproval of a given measure."

11 SECTION 3. Article XVI of the City Charter shall be amended as follows and
12 the sections and subsection shall be renumbered accordingly:

13 "Section 6. SEED MONEY AND IN-KIND CONTRIBUTIONS.

14 (A) An Applicant Candidate may accept Seed Money not to exceed \$250.00
15 per Person.

16 (B) An Applicant Candidate may contribute up to \$2,500.00 from the Applicant
17 Candidate's personal funds for Seed Money.

18 (C) Seed Money shall be deducted from the revenues distributed to the
19 Participating Candidate from the Fund.

20 (D) The aggregate amount of Seed Money received and spent by an Applicant
21 Candidate shall not exceed an amount equal to 20% of the distribution from
22 the Fund, or the Applicable Spending Limit to a Participating Candidate.

23 (E) An Applicant Candidate or Participating Candidate may accept In-Kind
24 Contributions from the beginning of the Exploratory Period up to the regular
25 municipal election, or, in the event that a Participating Candidate is in a run-
26 off, up to the run-off election. The value of any In-Kind Contribution shall not
27 count against the applicable limit on Seed Money contributions. The
28 aggregate amount of In-Kind Contributions received by an Applicant
29 Candidate shall not exceed an amount equal to 10% of the applicable
30 spending limit.

31 (F) Volunteer work-hours are non-reportable and shall not count as In-Kind
32 Contributions or against the applicable limit on Seed Money. An individual
33 may volunteer personal services to an Applicant Candidate as long as the

1 volunteer is not compensated. If an individual volunteers during working
2 hours, paid by a third-party employer or the Applicant Candidate, then that
3 employer makes an In-Kind Contribution to the Applicant Candidate.

4 (G) If a Participating Candidate is defeated or is elected, any unspent Seed
5 Money shall be forfeited to the Fund.

6 (H) Mayoral Applicant Candidates may accept Seed Money from 246 days
7 before the election through 136 days before the election. Council Candidates
8 may accept Seed Money from 191 days before the election through 120 days
9 before the election.

10 (1) In the event that a Candidate's certification for public financing or
11 qualification by the County Clerk as a Candidate has been challenged, the
12 Candidate may continue to accept seed money until the City Clerk provides
13 the Candidate with notice that the certification or qualification by the County
14 Clerk as a Candidate has been upheld.

15 **Section 12. TIMING AND AMOUNT OF FUND DISTRIBUTION.**

16 (A) The Clerk shall distribute money from the Fund to Participating
17 Candidates. The Clerk shall distribute revenue within three business days of
18 certification. In the event that a Candidate's certification for public financing
19 or qualification by the County Clerk as a Candidate has been challenged, the
20 Clerk shall distribute funds to the Participating Candidate within three
21 business days of receiving notice that the certification and/or qualification by
22 the County Clerk as a Candidate has been upheld.

23 (B) The Clerk shall distribute \$2.00 per registered City voter to Mayoral
24 Participating Candidates and \$1.25 per registered City voter residing in the
25 district in which the Participating Council Candidate desires to represent.
26 Notwithstanding the foregoing, in Council districts containing fewer than
27 40,000 registered voters, the Clerk shall distribute \$40,000 to each
28 Participating Council Candidate, in lieu of \$1.25 per registered City voter
29 residing in the district.

30 (1) Beginning January 15, 2027, and every two years thereafter, the
31 Clerk shall adjust the distribution amount per registered City voter based on
32 the change in the Consumer Price Index for All Urban Consumers (CPI-U) as
33 published by the United States Bureau of Labor Statistics. The adjustment

1 shall reflect the percentage change in the CPI-U from January 1, 2024, to
2 December 31 of the year preceding the adjustment.

3 (C) The amount of revenue to be distributed to a Participating Candidate shall
4 be reduced by an amount equal to the aggregate amount of Seed Money
5 contributions received by the Participating Candidate during the Exploratory
6 and Qualifying Periods.

7 (D) A Participating Candidate may withdraw as a Participating Candidate by
8 filing a written statement of withdrawal with the Clerk.

9 (E) If the withdrawn Participating Candidate continues to participate in the
10 election as a Non-Participating Candidate then:

11 (1) at the time the statement of withdrawal is filed, the candidate shall
12 deliver to the Clerk an amount of money equal to all monies distributed to the
13 candidate from the Fund after the candidate was certified as a Participating
14 Candidate plus interest of the total amount of monies received at a rate of
15 12% per annum.

16 (F) If a Participating Candidate is not certified as a candidate, in accordance
17 with applicable state and other City law, then the candidate shall deliver to the
18 Clerk an amount of money equal to all monies distributed to the candidate
19 from the Fund after the candidate was certified as a Participating Candidate
20 plus interest of the total amount of monies received at a rate of 12% per
21 annum.

22 (G) If a Participating Candidate entirely withdraws from a race for a Covered
23 Office then he shall immediately return any amount to the Fund that is
24 unspent or unencumbered at the time he ceases to be a Participating
25 Candidate before a regular municipal election.

26 (H) If a Participating Candidate becomes unopposed following the
27 distribution of funds, the Participating Candidate shall be promptly given
28 notice by the City Clerk and shall be given three (3) business days after being
29 notified to return any unspent or unencumbered funds. Following the return
30 of funds, the Participating Candidate becomes a privately financed candidate
31 and is no longer subject to the contribution and expenditure requirements of
32 the Open and Ethical Election Code.

33 SECTION 4. SEVERABILITY CLAUSE. If any section, paragraph, word or

1 phrase of this ordinance is for any reason held to be invalid, or unenforceable
2 by any court of competent jurisdiction, such decision shall not affect the
3 validity of the remaining provisions of this ordinance. The Council hereby
4 declares that it would have passed this ordinance and each section,
5 paragraph, sentence, clause, word or phrase thereof irrespective of any
6 provision being declared unconstitutional or otherwise invalid.

7 SECTION 5. COMPILATION. Sections 1, 2, and 3 of this ordinance shall
8 amend, be incorporated in, and made part of the City Charter.

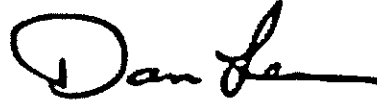
9 SECTION 6. EFFECTIVE DATE. This ordinance shall take effect five (5) days
10 after publication by title and general summary.

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1 PASSED AND ADOPTED THIS 21st DAY OF October, 2024
2 BY A VOTE OF: 7 FOR 2 AGAINST.

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4 For: Baca, Bassan, Fiebelkorn, Grout, Lewis, Peña, Rogers
5 Against: Champine, Sanchez
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9 Dan Lewis, President
10 City Council
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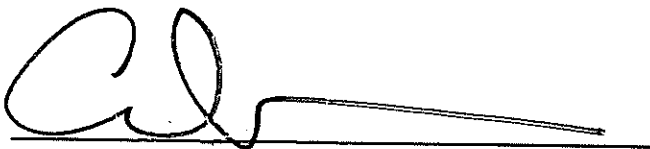
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14 APPROVED THIS 6 DAY OF November, 2024
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17 Bill No. F/S O-24-25
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22 Timothy M. Keller, Mayor
23 City of Albuquerque
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25 ATTEST:

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29 Ethan Watson, City Clerk
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CITY OF ALBUQUERQUE
Albuquerque, New Mexico
Office of the Mayor

Mayor Timothy M. Keller

INTER-OFFICE MEMORANDUM

March 8, 2024

TO: Dan Lewis, President, City Council

FROM: Timothy M. Keller, Mayor 

SUBJECT: Charter Clean Up – Elections and Public Campaign Financing

The Charter Clean Up – Elections and Public Campaign Financing addresses Articles XIII and XVI of the City Charter, implementing measures to enhance electoral integrity and transparency. Notably, it prohibits contributions from foreign-influenced corporations, strengthens disclosure requirements for candidates, and mandates the closure of campaign bank accounts to end campaign finance reporting.

In 2023, the City Clerk's Office oversaw the petition and qualifying contribution cycle for 13 candidates. The 2023 cycle included four (4) City Council Races. Overall, the cycle included 11 city council candidates who sought public financing and two (2) running as privately financed candidates. Eight (8) city council candidates qualified for public campaign financing. The City Clerk's Office checked a total of 4,011 qualifying contributions and 8,941 petitions and distributed \$333,953.60 in public campaign funds to participating candidates.

Additionally, the Charter Clean Up introduces caps on in-kind contributions from an applicant or participating candidates' personal funds, in addition to seed money contributions.

Due to the significant increase in Mayor and Councilor salaries in the upcoming term, privately financed candidates could potentially have higher contribution limits compared to those in other municipalities. To address this issue, the Charter Clean Up proposes a specific contribution limit of \$2,000, which will be adjusted biennially according to the Consumer Price Index.

Furthermore, the Charter Clean Up raises the distribution amount for candidates participating in the general election to counteract the impact of inflation on the funding's purchasing power. Specifically, the distribution is increased by \$0.25 per registered voter for both mayoral and council candidates, with adjustments based on the Consumer Price Index every two years, ensuring the longevity and sustainability of the public financing program.

Cover Analysis
2025 Charter Clean Up – Elections and Public Campaign Financing

1. **What is it?** An ordinance to update portions of the Election Code and Open and Ethical Election Code.
2. **What will this piece of legislation do?** This legislation will implement various measures to enhance electoral integrity and transparency. Notably, it prohibits contributions from foreign-influenced corporations, strengthens disclosure requirements for candidates, and mandates the closure of campaign bank accounts to end financial reporting. Additionally, it introduces caps on in-kind contributions and adjusts distribution funds to accommodate inflation, ensuring the sustainability of the public financing program.
3. **Why is this project needed?** It is vital to continually update the City Charter to align with state law as well as to address any areas of confusion or outstanding issues from the previous election cycle. This Charter Clean-Up will update sections that are needed due to lessons learned during the 2023 election cycle. These updated sections include an increase in funds for participating candidates for the general elections due to the influx of inflation stretching thin the buying power of the distribution.
4. **How much will it cost and what is the funding source?** The increase in distribution to participating candidates will be funded through the Open and Ethical Election Fund.
5. **Is there a revenue source associated with this contract? If so, what level of income is protected?** N/A
6. **What will happen if the project is not approved?** Status quo. Participation in the public financing program may also decline due to our inability to increase the distribution.
7. **Is this service already provided by another entity?** No.