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**SPONSORED BY: Brook Bassan, by request**

**CORRECTING CITATIONS IN ARTICLE XII AND ARTICLE XIII OF THE CITY CHARTER RELATING TO DEFINITIONS AND CAMPAIGN FINANCING.**

**WHEREAS, Article VI, Section 7 of the City Charter grants the City Clerk the authority to correct clerical errors, including renumbering and citation corrections, to ensure that all references remain accurate and legally enforceable, subject to review by the City Attorney and approval by a majority of the Council; and**

**WHEREAS, this ordinance corrects erroneous citations in Articles XII and XIII of the City Charter to align with the intent of the 2024 election bill, ensuring accurate references without altering the substantive provisions of election and financial disclosure laws.**

**SECTION 1. Article XII, Section 2, subsections (e) and (k) of the City Charter are amended as follows:**

1

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

9 (k) "Gift" or "Valuable Gift" means that which is directly or indirectly  
10 paid or given to another for an individual's benefit or by any other means, for  
11 which consideration equal or greater than fair market value was not given by  
12 the official within 90 days of the official's receipt of such gift, including, but  
13 not limited to: (1) real property; (2) the use of real property; (3) tangible or  
14 intangible personal property; (4) the use of tangible personal property; (5) a  
15 preferential rate or terms on a debt, loan, goods, or services, which rate is  
16 below the customary rate and is neither a government rate nor a rate available  
17 to similarly situated members of the public by virtue of occupation, affiliation,  
18 age, religion, sex, or national origin; (6) debt forgiveness; (7) transportation,  
19 other than that provided to an official by a governmental agency in relation to  
20 approved government business, lodging or parking; (8) food or beverage; (9)  
21 membership dues, other than dues paid by a city agency; (10) entrance fees,  
22 admission fees, or tickets to events, performances, or facilities other than  
23 those hosted, sponsored, or co-sponsored by the city or occurring at a city  
24 facility; (11) plants, flowers, or floral arrangements; (12) services provided by  
25 persons pursuant to a professional license or certificate; (13) other personal  
26 services for which a fee is normally charged by the person providing the  
27 services; and (14) any other similar service or thing having an attributable  
28 value not already provided for in this section. For purposes of calculating the  
29 dollar limits to the term "gift", any gift provided by a lobbyist shall be  
30 attributed to the lobbyist individually as well as to the business organization  
31 which he or she owns or by which he or she is employed.

32 Gift does not include: (1) salary, benefits, services, fees, commissions,  
33 returns on an investment, a loan, interest incurred on a bond, expenses, or

1 other forms of compensation associated primarily with the official's  
2 employment, business or service as an officer or director of a private  
3 corporation or organization; (2) any activity authorized by the Election Code,  
4 the Code of Ethics, and items excluded from the definition of "contributions"  
5 pursuant to Section 2(~~[e]~~~~[h]~~)(3) of the Election Code, including but not limited  
6 to the acceptance of a donation, transfer or contribution, or the making of an  
7 expenditure or reimbursement; (3) an honorarium or an expense related to an  
8 honorarium event paid to an official or the official's spouse; (4) an award,  
9 plaque, certificate, or similar personalized item given in recognition of the  
10 official's public, civic, charitable, or professional service; (5) an honorary  
11 membership in a service or fraternal organization presented merely as a  
12 courtesy by such organization; (6) the use of a public facility or public  
13 property made available by a governmental agency for a public purpose; (7)  
14 transportation provided to an official by a governmental agency in relation to  
15 official and approved governmental business; (8) gifts provided directly or  
16 indirectly by a state, regional or national organization whose primary purpose  
17 is the promotion of the exchange of ideas between governmental officials or  
18 employees or to provide for the professional development or training of such  
19 governmental officials or employees, provided that such organization has a  
20 membership primarily composed of elected or appointed public officials or  
21 employees; (9) the use of a city facility by an official; (10) a gift motivated by a  
22 familial or close personal relationship rather than the recipient's position as an  
23 official; and (11) all non-pecuniary things or services donated in any twelve  
24 (12) month period from a single donor that have a cumulative fair market value  
25 of two hundred fifty dollars (\$250.00) or less.

26 SECTION 2. Article XIII, Section 2, subsection (e) of the City Charter is  
27 hereby amended as follows:

28 (e) "Candidate" means any individual who has (1) obtained a nominating  
29 petition from the City Clerk pursuant to Section 4(~~[e]~~~~[d]~~)1.D. of this Election  
30 Code for the office of Mayor or Councilor, (2) filed an affidavit on a form  
31 approved by the City Clerk, stating that he or she is a candidate for either the  
32 office of Mayor or City Councilor, (3) filed as a candidate for elected office as  
33 required by law, whichever first occurs, or (4) has received or solicited

1 contributions or made expenditures of one thousand dollars (\$1,000) or more  
2 or authorized another person or campaign committee to receive or solicit  
3 contributions or make expenditures of one thousand dollars (\$1,000) or more  
4 for the purpose of seeking election to the office.

5 SECTION 3. Article XIII, Section 4, subsection (d) of the City Charter is  
6 hereby amended as follows:

7 (d) *Disclosure of Campaign Financing.*

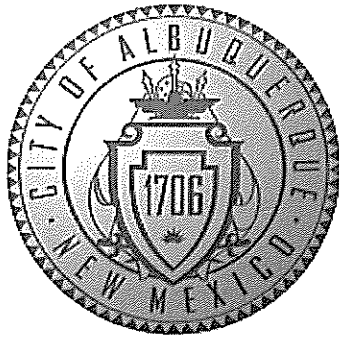
8 1. Each candidate for the office of Mayor or Councilor and each  
9 Measure Finance Committee, shall file with the City Clerk the statements  
10 required in Section 4(~~(c)~~~~(d)~~)2 of this Election Code, each of which shall be  
11 cumulative, signed under oath by the candidate or the candidate's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

14 SECTION 4. SEVERABILITY CLAUSE. If any section, paragraph, word or  
15 phrase of this Ordinance is for any reason held to be invalid, or unenforceable  
16 by any court of competent jurisdiction, such decision shall not affect the  
17 validity of the remaining provisions of this Ordinance. The Council hereby  
18 declares that it would have passed this Ordinance and each section,  
19 paragraph, sentence, clause, word or phrase thereof irrespective of any  
20 provision being declared unconstitutional or otherwise invalid.

21 SECTION 5. COMPILATION. Sections 1, 2, and 3 of this Ordinance shall  
22 amend, be incorporated in, and made part of the City Charter.

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

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# CITY OF ALBUQUERQUE

## Albuquerque, New Mexico

### Office of the Mayor

Mayor Timothy M. Keller

#### INTER-OFFICE MEMORANDUM

April 14, 2025

**TO:** Brooke Bassan, President, City Council

**FROM:** Timothy M. Keller, Mayor



**SUBJECT:** CHARTER CITATION CORRECTION USING ARTICLE VI SECTION 7

Using the authority of City Clerk to Correct—during the drafting of the 2024 election bill, the citations for financial disclosure requirements in Articles XII and XIII of the City Charter were not updated before renumbering, resulting in incorrect references that could cause confusion in compliance and enforcement.

Article VI Section 7 of the City Charter, grants the City Clerk the authority to correct clerical errors, including renumbering and citation corrections, to ensure that all references remain accurate and legally enforceable, subject to review by the City Attorney and approval by a majority of the Council.

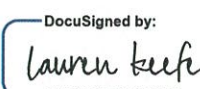
This Ordinance corrects the citations in Articles XII and XIII that reference to the Election Code campaign finance laws to align with the original intent of the 2024 election bill, ensuring correct references without altering the substantive provisions of election and campaign finance laws.

CHARTER CITATION CORRECTION USING ARTICLE VI SECTION 7

Approved:

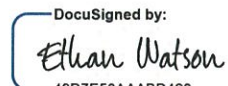
Approved as to Legal Form:

  
Samantha Sengel      Date  
Chief Administrative Officer

DocuSigned by:  
 4/8/2025 | 9:32 AM MDT  
1A21D96D32C74EE...  
Lauren Keefe      Date  
City Attorney

Recommended:

Initial  


DocuSigned by:  
 4/2/2025 | 10:35 AM MDT  
49D7E50AAABD429...  
Ethan Watson, City Clerk      Date

## **Cover Analysis Charter Citation Clean Up**

**1. What is it?**

Given the authority of the City Clerk, Article VI Section 7, this Ordinance is to correct citations of financial disclosure requirements in Articles XII and Article XIII.

**2. What will this piece of legislation do?**

Correct the citations in Articles XII and XIII where there are references to Article XIII Section 4(d)(2).

**3. Why is this project needed?**

To correct citations of finance disclosure reports.

**4. How much will it cost and what is the funding source?**

5. \$0

**6. Is there a revenue source associated with this contract? If so, what level of income is projected?**

N/A

**7. What will happen if the project is not approved?**

Citations will continue to be incorrect, resulting in references that could cause confusion and lapse in compliance and enforcement of campaign finance reporting.

**8. Is this service already provided by another entity?**

No.

## FISCAL IMPACT ANALYSIS

TITLE: Charter Citation Correction Using Article VI Section 7

R: O:

FUND:

DEPT: CC

☒ No measurable fiscal impact is anticipated, i.e., no impact on fund balance over and above existing appropriations.

☐ (If Applicable) The estimated fiscal impact (defined as impact over and above existing appropriations) of this legislation is as follows:

	Fiscal Years			
	2025	2026	2027	Total
Base Salary/Wages	-	-	-	-
Fringe Benefits at	-	-	-	-
Subtotal Personnel	-	-	-	-
Operating Expenses	-	-	-	-
Property	-	-	-	-
Indirect Costs	-	-	-	-
Total Expenses	\$0.00	\$0.00	\$0.00	\$0.00
<input checked="" type="checkbox"/> Estimated revenues not affected				
<input type="checkbox"/> Estimated revenue impact				
Revenue from program				0
Amount of Grant		-	-	
City Cash Match				
City Inkind Match				
City IDOH	-	-	-	-
Total Revenue	\$0.00	\$0.00	\$0.00	\$0.00

These estimates do not include any adjustment for inflation.

\* Range if not easily quantifiable.

Number of Positions created

COMMENTS: No additional cost to the department or city.

COMMENTS ON NON-MONETARY IMPACTS TO COMMUNITY/CITY GOVERNMENT:

PREPARED BY: Cristobal Rocha

APPROVED: Ethan Watson

DocuSigned by:

DocuSigned by:

Rachel Rodarte

4/2/2025 | 10:25 AM MDT

Ethan Watson

4/2/2025 | 10:35 AM MDT

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FISCAL ANALYST

DIRECTOR

REVIEWED BY: Rachel Rodarte

DocuSigned by:

Signed by:

Stephen Morales

4/8/2025 | 8:37 AM

Monica Sandoval

4/8/2025 | 8:47 AM

Christine Boerner

4/8/2025 | 8:56 AM MDT

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EXECUTIVE BUDGET ANALYST

BUDGET OFFICER

CITY ECONOMIST