

**CITY of ALBUQUERQUE
TWENTY SIXTH COUNCIL**

COUNCIL BILL NO. O-24-25 ENACTMENT NO. _____

SPONSORED BY: Joaquín Baca, by request

1 ORDINANCE

**2 AMENDING ARTICLES XIII AND XVI OF THE CITY CHARTER RELATING TO
3 ELECTIONS AND PUBLIC CAMPAIGN FINANCING.**

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

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

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

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

**15 SECTION 1. 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

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

1 campaign advertising or communications such as newspaper advertisements,
2 handbills, petitions, circulars, letters, radio or TV broadcasts, cable
3 distributions, social media sites, websites, electronic or telephonic
4 transmissions or similar written material used in a campaign by a candidate or
5 a Measure Finance Committee.

6 (e) "Candidate" means any individual who has (1) obtained a nominating
7 petition from the City Clerk pursuant to Section 4(c)1.D. of this Election Code
8 for the office of Mayor or Councilor, (2) filed an affidavit on a form approved by
9 the City Clerk, stating that he or she is a candidate for either the office of
10 Mayor or City Councilor, (3) filed as a candidate for elected office as required
11 by law, whichever first occurs, or (4) has received or solicited contributions or
12 made expenditures of one thousand dollars (\$1,000) or more or authorized
13 another person or campaign committee to receive or solicit contributions or
14 make expenditures of one thousand dollars (\$1,000) or more for the purpose
15 of seeking election to the office.

16 (f) "Candidate Finance Committee" consists of the candidate, the candidate's
17 treasurer, and any person authorized either expressly or by implication by the
18 candidate to participate in the solicitation, receipt, expenditure, or
19 employment of contributions on behalf of the candidate. "Member of the
20 Candidate Committee" means any such person.

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

25 (h) "Contributions" means:

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

28 A. Incurred or received by a candidate, the candidate's treasurer, the
29 Candidate Finance Committee, or a member thereof on behalf of the
30 candidate, or by a Measure Finance Committee or a member thereof on behalf
31 of the Committee. For the purposes of this Subsection, a debt or obligation
32 shall be considered incurred at the time authorization is given or contract
33 made for the debt or obligation.

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

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

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

11 3. Notwithstanding the foregoing, none of the following shall be
12 considered a contribution: a candidate's own services and property, other
13 than cash; the use of a dwelling unit and residential premises incidental
14 thereto for any campaign purpose and the provision of refreshments and
15 entertainment in connection with such use; the services of the person who is
16 performing the duties of the candidate's treasurer; and the use of vehicles for
17 any campaign purpose other than in connection with the performance of a
18 commercial or professional service.

19 4. The payment or waiver of legal fees to advise a candidate on
20 compliance with campaign laws or regulations, and payment or waiver of legal
21 fees or court costs to represent a candidate or candidate committee in any
22 action reasonably related to the campaign or election in which the candidate
23 or committee has been named as a defendant, are contributions that must be
24 disclosed, but are not subject to any contribution limits in the Charter.

25 (i) "Coordinated Expenditure" means an expenditure that is made:

- 26 1. by a person other than the candidate or campaign committee;
- 27 2. at the request or suggestion of, or in cooperation, consultation or
28 concert with, a candidate, campaign committee or political party or
29 any agent or representative of a candidate, campaign committee or
30 political party; and
- 31 3. for the purpose of:
 - 32 A. supporting or opposing the nomination or election of a
33 candidate; or

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

1 B. paying for an advertisement that refers to a clearly
2 identified candidate and is published and disseminated to the
3 relevant electorate in New Mexico within thirty days before the
4 primary election or sixty days before the general election in
5 which the candidate is on the ballot.

6 [(j) "Corporation" means a corporation, company, limited liability company,
7 limited partnership, business trust, business association, or other similar
8 entity.]

9 ~~[(j)]~~ [(k)] "Covered Office" means the office of Mayor of the City of
10 Albuquerque or the office of any City Councilor.

11 ~~[(k)]~~ [(l)] "Disclaimer" means a notice that identifies the person(s) or
12 organization(s) who paid for a communication and whether the
13 communication was authorized by one or more candidates.

14 ~~[(t)]~~ [(m)] "Disclosure reports" means statements filed by candidates and
15 committees in the electronic campaign finance reporting system as required
16 pursuant to Article XIII, Section 4.

17 ~~[(m)]~~ [(n)] "Early Voter" means a voter who votes in person before election
18 day, and has not been issued an absentee ballot at the time the voter presents
19 himself at an early voting location.

20 ~~[(n)]~~ [(o)] "Election" means any City of Albuquerque municipal election.

21 ~~[(o)]~~ [(p)] "Electioneering Communication" means any audio or visual
22 communication in any form that is broadcast or distributed by any means that:

- 23 (1) unambiguously refers to any candidate or ballot measure;
- 24 (2) is broadcast, printed, mailed, delivered, or distributed within the 60
25 days preceding a regular or special election, or 45 days preceding a runoff
26 election; and
- 27 (3) is broadcast to, printed in a newspaper, distributed to, mailed to,
28 delivered by hand or otherwise distributed to an audience that includes
29 members of the electorate for a covered office.

30 ~~[(p)]~~ [(q)] "Express Advocacy" means an expenditure made by a person or
31 group, other than a candidate or candidate's committee, that advocates the
32 election or defeat of a candidate or ballot measure, including all costs of
33 designing, producing, or disseminating a communication that contains

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

1 phrases such as “vote for”, “re-elect”, “support”, “cast your ballot for”,
2 “[name of candidate] for [name of office]”, “[name of candidate] in [year]”,
3 “vote against”, “defeat”, “reject”, or similar phrases, or other explicit
4 references to a candidate or ballot measure that indicates intent to influence
5 an election.

6 ~~[(e)]~~ [(r)] “Expenditure” means the payment or furnishing of money or anything
7 of value or the incurring or repayment of indebtedness or obligation, by or on
8 behalf of any person, candidate or political committee in consideration for any
9 services, supplies, equipment or other thing of value performed or furnished
10 for any reason, including support of or opposition to a candidate or political
11 committee or for reducing the debt of a candidate or political committee.

12 Notwithstanding any other provision of the Charter, for the purposes of
13 Election Code and the Open and Ethical Elections Code, the payment of legal
14 fees to advise a candidate on compliance with campaign laws or regulations,
15 and the payment of legal fees or court costs to represent a candidate or
16 candidate committee in any action reasonably related to the campaign or
17 election in which the candidate or committee has been named as a defendant,
18 are expenditures that must be disclosed, but are not subject to any
19 expenditure limits in the Charter.

20 [(s)] “Foreign-influenced corporation” means a corporation for which one of
21 the 2 following conditions is met:

22 1. A single foreign owner holds, owns, controls, or otherwise has direct or
23 indirect beneficial ownership of fifty percent or more of the total equity,
24 outstanding voting shares, membership units, or other applicable ownership
25 interests of the corporation;

26 2. Two or more foreign owners, in aggregate, hold, own, control, or
27 otherwise have direct or indirect beneficial ownership of fifty percent or more
28 of the total equity, outstanding voting shares, membership units, or other
29 applicable ownership interests of the corporation; or

30 (t) “Foreign investor” means a person or entity that:

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

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

1 2. Is a government of a foreign country; a foreign political party; a
2 partnership, association, corporation, organization, or other combination of
3 persons organized under the laws of or having its principal place of business
4 in a foreign country; or an individual who is not a citizen of the United States
5 or a national of the United States and who is not lawfully admitted for
6 permanent residence.

7 (u) "Foreign owner" means (1) a foreign investor; or (2) a corporation wherein
8 a foreign investor holds, owns, controls, or otherwise has directly or indirectly
9 acquired beneficial ownership of equity or voting shares in an amount equal to
10 or greater than fifty-one percent of the total equity or outstanding voting
11 shares.]

12 ~~{(r)}~~ {(v)} "Immediate Family" means the candidate's spouse, parent,
13 grandparent, child, grandchild, sister, half-sister, brother, half-brother,
14 stepparent, step-grandparent, stepchild, step-grandchild, stepsister,
15 stepbrother, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-
16 law, daughter-in-law, guardian, former guardian, domestic partner, and the
17 immediate family of the candidate's spouse or domestic partner.

18 ~~{(s)}~~ {(w)} "Independent Expenditure" mean any funds spent on express
19 advocacy or electioneering communications that are made without the
20 cooperation, consultation or coordination with, or at the request or suggestion
21 of, a candidate, a candidate's authorized committee or an agent thereof. An
22 independent expenditure may include materials already distributed to the
23 public or broadcast by a candidate, the candidates authorized committee or an
24 agent thereof.

25 ~~{(t)}~~ {(x)} "Mass Communications" means any communication of substantially
26 identical content reasonably expected to reach 100 or more individuals within
27 three (3) months of a regular or special election, or within 45 days of a runoff
28 election. This includes communications sent directly to individuals, and
29 communications placed or posted where they will likely be seen by 100 or
30 more individuals, such as signs.

31 ~~{(u)}~~ {(y)} "Measure" means any proposition submitted to a popular vote at an
32 election, whether by initiative, referendum or recall procedure or otherwise.

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

1 ~~[(v)]~~ [(z)] "Measure Finance Committee" means a political committee or any
2 person or combination of two or more persons acting jointly in aid of or in
3 opposition to the effort of anyone seeking to have their name placed on the
4 ballot for city office, a petition to place a measure on the ballot pursuant to
5 Article III of this Charter, voter approval or disapproval of one or more
6 measures on the ballot and/or the election to, or recall from, office of one or
7 more candidates for office when such person or people have accepted
8 contributions in excess of \$250 or make expenditures in excess of \$250 for
9 any of the purposes listed heretofore.

10 ~~[(w)]~~ [(aa)] "Person" means any individual, cooperative association, club,
11 corporation, company, firm, partnership, joint venture syndicate, profit or
12 nonprofit organization, or other entity.

13 ~~[(x)]~~ [(bb)] "In-Kind Contribution" means a good or service, other than money,
14 having monetary value not to exceed the limits set in Section 4 of Article XIII,
15 but not including an individual who volunteers his own personal service.

16 Professional services, including legal services, accounting services,
17 consulting services and similar services provided directly from the
18 professional to the Candidate are permitted, provided no single In-Kind
19 Contributor exceeds the limits set in Section 4 of Article XIII. Notwithstanding
20 the foregoing, a Candidate may accept unlimited In-Kind Contributions in the
21 following areas:

- 22 (1) legal services provided directly from attorneys for the purpose of
23 providing legal advice to comply with election laws and public financing laws,
- 24 (2) professional services provided directly from the professional,
25 including attorneys, experts and consultants, for the sole purpose of
26 participating in a proceeding under Section 8 of the Code of Ethics, Section 10
27 of the Election Code, and Sections 20 and 21 of the Open and Ethical Elections
28 Code, and
- 29 (3) office space.

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

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

1 ~~[(y)] [(cc)]~~ "Reporting individual" means every public official, candidate or
2 treasurer of a campaign committee and every treasurer of a measure finance
3 committee.
4 Section 3. CANDIDATE DISCLOSURE.
5 Each candidate shall file a financial disclosure with the City Clerk. ~~[setting~~
6 ~~forth a listing of the candidate's membership's and positions, if any, in~~
7 ~~professional organizations, and any source of income that accounts for 5% or~~
8 ~~more of the candidate's total income, and any known present business~~
9 ~~relationships the candidate has or may have with the city, and any and all real~~
10 ~~estate interests held by the candidate within Bernalillo County, excluding the~~
11 ~~candidates' home.]~~ The candidate disclosure shall be filed with the City Clerk
12 when the candidate becomes a declared candidate, be on a form prescribed by
13 the City Clerk, and shall be sworn and attested to under penalty of perjury by
14 the Candidate.
15 [The annual disclosure statement shall be a public record.]
16 (a) In addition to the information disclosed pursuant to Section 3 of the
17 Election Code, the annual disclosure statement for all elected officials shall
18 include the following information for the preceding calendar year:
19 (1) the full name of the reporting individual and the reporting individual's
20 spouse;
21 (2) the name and address of any employer employing the reporting
22 individual or the reporting individual's spouse, the title or position held, and a
23 brief description of the nature of the business or occupation;
24 (3) the identity, location and purpose of use of real property owned by the
25 reporting individual, the reporting individual's spouse or the reporting
26 individual's dependent children; provided that, for personal residences only
27 the zip code or, in the absence of a zip code, the county of situs is required to
28 be disclosed;
29 (4) the identity of assets of more than fifty thousand dollars (\$50,000)
30 directly or beneficially owned by the reporting individual, the reporting
31 individual's spouse or the reporting individual's dependent children; provided
32 that in determining whether an asset has a value of more than fifty thousand
33 dollars (\$50,000), the value should not be reduced by any debt secured by the

1 asset, such as a mortgage or other secured loan, and a good faith estimate of
2 the fair market value of an asset is permitted if the exact value is neither
3 known or easily obtainable. The disclosure of assets shall include:
4 (A) commodities, including the type of commodity;
5 (B) investments in stocks, bonds, futures contracts, options,
6 derivatives, currency, real estate investment trusts, mutual funds, private
7 equity funds, exchange-traded funds, and trust funds of which the reporting
8 individual is a beneficiary; provided that if the investment is or forms part of a
9 fund, the reporting individual is only required to identify the fund, the fund
10 manager, and any underlying holdings of the fund if it has a value of more
11 than fifty thousand dollars (\$50,000); and
12 (C) contractual rights reasonably likely to generate future income, such
13 as royalties and intellectual property, the names of the contracting parties,
14 and the purpose of the contract;
15 (5) all sources of income equal to or greater than the amount that must be
16 disclosed to the internal revenue service pursuant to 26 U.S.C. Section
17 6041(a), as amended, directly or indirectly accrued by the reporting individual,
18 the reporting individual's spouse or the reporting individual's dependent
19 children, including:
20 (A) the identity of the source of earned income; provided that:
21 (i) if a source of earned income is owed a legal or professional duty of
22 confidentiality and the identity of the source of the income has not been
23 disclosed to a public agency, the reporting individual may identify the source
24 as "confidential" and describe the duty of confidentiality that prevents
25 disclosure of the source of the earned income;
26 (ii) if an indirect source of earned income is a client of a business
27 entity of which the reporting individual or the reporting individual's spouse is
28 a member, the indirect source of earned income is not required to be
29 disclosed if the reporting individual or the reporting individual's spouse has
30 no role in any matter involving the source; and
31 (B) the identity of sources of unearned income, including taxable
32 interest, capital gains, dividends, annuities, trust distributions, rents from real
33 property and insurance policies;

- 1 (6) Liabilities of more than five thousand dollars (\$5,000) owed by:
2 (A) the reporting individual, the reporting individual's spouse or the
3 reporting individual's dependent children; and
4 (B) a trust of which the reporting individual, the reporting individual's
5 spouse or the reporting individual's dependent children are 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;
19 (C) student loans; and
20 (D) liabilities owed to parents, grandparents, dependent children or
21 siblings of the reporting individual, the reporting individual's spouse or the
22 reporting individual's dependent children;
23 (9) The following information related to any privately held business
24 controlled by the reporting individual, the reporting individual's spouse or the
25 reporting individual's dependent children:
26 (A) the name of the business entity, a brief description of the nature of
27 its activities and its geographic location, including the city and state; and
28 (B) for a privately held business entity formed for the purpose of
29 holding investments:
30 (i) assets of more than fifty thousand dollars (\$50,000) or that
31 generated income directly or beneficially owned by the business entity in an
32 amount equal to or greater than the amount that must be disclosed to the
33 internal revenue service pursuant to 26 U.S.C. Section 6041(a), as amended;

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

1 provided that in determining whether an asset has a value of more than fifty
2 thousand dollars (\$50,000), the value should not be reduced by any debt
3 secured by the asset, such as a mortgage or other secured loan; and

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

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

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

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

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

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

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

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

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

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

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

27 **Section 4. CAMPAIGN FINANCING.**

28 **(a) *One Candidate Finance Committee.* Each candidate shall establish no more**
29 **than one Candidate Finance Committee and shall appoint a treasurer who**
30 **shall not be the candidate.**

31 **[(b) *One Measure Finance Committee.* Each measure finance committee shall**
32 **appoint a treasurer who shall not be the chairperson.]**

33 **~~[(b)] [(c)]~~ One Bank Account Filing Requirements.**

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

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

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

8 3. ~~[Each candidate and each Measure Finance Committee shall file with the~~
9 ~~bank at which the campaign checking account has been established a letter~~
10 ~~authorizing the release of information concerning that account to the Clerk~~
11 ~~and shall submit a copy of the letter of authorization to the Board.]~~ [Each
12 candidates and Measure Finance Committees shall submit monthly bank
13 statements reflecting the previous month's activities directly to the Campaign
14 and Election Auditor by the 2nd Monday of each month. Monthly bank
15 statements shall be submitted each month for the duration of the election
16 cycle as long as the campaign or committee is active and filing financial
17 statements.]

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, ~~[cancelled]~~ [canceled] checks, and any
21 other financial information relating to the campaign as may be requested by
22 the Clerk.

23 ~~[(e)]~~ [(d)] *Disclosure of Campaign Financing.*

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

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

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

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
29 or 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

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

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
32 Election Code, a candidate shall designate in his or her disclosure reports
33 those contributors who have contracts pursuant to which they receive funds

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

1 from 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
7 shall 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
23 in 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;

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

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,
15 by 5:00 p.m. on every Monday before the run-off election candidates shall file
16 a 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
24 reports of all expenditures made and contributions received as follows:

25 i. beginning on the first Monday following the County Clerk's
26 first publication of the special election resolution, by 5:00 p.m. on every
27 Monday before the special election reporting individuals shall file a report of
28 all 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;

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

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
5 and has not made any expenditures since the candidate's or official's last
6 report was filed with the proper filing officer, the candidate or official shall
7 only be required to file a statement of no activity, which shall not be required
8 to be notarized, in lieu of a full report when that report would otherwise be due
9 and 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
16 forth 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
25 Section 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

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

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 ~~[(d)]~~ [(e)] *Limits to Contributions*. No privately financed candidate shall, for
19 any one election, allow total contributions, including in-kind contributions,
20 from any one person with the exception of contributions from the candidate
21 ~~[himself or herself]~~ [themselves] of more than ~~[5% of the annual salary for~~
22 ~~such office at the time of filing the Declaration of Candidacy rounded up to the~~
23 ~~nearest whole dollar amount.]~~ [\$2,000 for Council Candidates and \$6,000 for
24 Mayoral Candidates] Limitations on contributions for publicly financed
25 candidates are detailed in the Open and Ethical Elections Act.

26 [(1) Beginning January 15, 2027, and every two years thereafter, the Clerk
27 shall adjust the contribution limit by the consumer price index for all urban
28 consumers as published by the United States Bureau of Labor Statistics for
29 the period beginning January 1, 2024 and ending December 31 of the year
30 preceding the adjustment.]

31 ~~[(e)]~~ [(f)] *Ban on Contributions from City Contractors*. No candidate for Mayor
32 or Council, or Official who is a candidate for an office other than Mayor or
33 Council, shall accept a contribution in support of the candidate's campaign

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

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

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

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

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

- 20 (1) Retained in the campaign or Measure Finance Committee banking
- 21 checking account for a possible runoff election for that office,
- 22 (2) Returned to the person who made the contribution,
- 23 (3) Placed in the City's General Fund, or
- 24 (4) Given to a charity identified by the candidate.

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

27 ~~[(h)]~~ [(i)] *Anonymous Contributions.*

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

32 (2) An anonymous contribution shall not be considered to be a
33 contribution to or expenditure of the campaign; however, a record of all

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

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

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

15 ~~[(j)]~~ [(l)] *Campaign Finance Records.*

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

22 2. Campaign Financial Records.

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

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33

B. In preparing and maintaining financial records, ledgers, journals, or otherwise, and in recording contributions and expenditures on the statements required by subsection (c) of this section, each candidate or the candidate's treasurer and each chairperson or treasurer of a Measure Finance Committee shall:

- 1) Record in-kind contributions as both contributions and expenditures equal to the fair market value of the goods or services received.**
- 2) Record campaign loans as contributions, with subsequent repayment of loans credited against contributions.**
- 3) Record returned contributions as credits against contributions.**
- 4) Record names of contributors on the bank deposit slips.**

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

~~[(k)]~~ [(m)] *Fund-Raising Activity.*

- a. The gross receipts of a fund-raising activity on behalf of a candidate are considered to be campaign contributions, and all expenditures associated with such a fund-raising activity are considered to be campaign expenditures. As used in this subsection, the term "gross receipts" includes all monies and donations of any kind which are received as part of the fund-raising activity.**
- b. The host of a fund-raising activity on behalf of a candidate or Committee shall be responsible for reporting the contributions resulting from the activity unless contributors are identified in the required manner on the Disclosure of Campaign Financing**

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

1 Statement, and the limits to contributions specified in subsection
2 ~~[(d)]~~[(e)] of this Section 4 shall apply as if the total contributions
3 at the fund-raising activity, not otherwise reported, were made by
4 the host.

5 ~~[(f)]~~ [(n)] *Measure Campaign Financing*. Any person or group which has
6 contributed in excess of thirty percent of the Mayor's salary to support or
7 oppose a measure or candidate shall have the name of such person or
8 group inserted into the name of the Measure Campaign Committee to
9 which the funds were contributed or shall create a new committee with the
10 name of the contributor in the committee name. It is the obligation of the
11 Measure Finance Committee to immediately inform the Clerk of the
12 Committee's required name change by forming a new committee with the
13 funds, or updating the committee name with the City Clerk's Office and on
14 the campaign finance website; the Committee shall simultaneously report
15 the amount of the contribution which triggers the name change. For the
16 purposes of this subsection, "Mayor's salary" means the salary paid by the
17 City of Albuquerque as of the date of the contribution; support or oppose a
18 measure or candidate covers qualification for the ballot plus voter approval
19 or disapproval of a given measure."

20 SECTION 2. Article XVI of the City Charter shall be amended as follows and
21 the sections and subsection shall be renumbered accordingly:

- 22 "Section 6. SEED MONEY AND IN-KIND CONTRIBUTIONS.
- 23 (A) An Applicant Candidate may accept Seed Money not to exceed
24 \$250.00 per Person.
 - 25 (B) An Applicant Candidate may contribute up to \$2,500.00 from the
26 Applicant Candidate's personal funds for Seed Money.
 - 27 (C) Seed Money shall be deducted from the revenues distributed to the
28 Participating Candidate from the Fund.
 - 29 (D) The aggregate amount of Seed Money received and spent by an
30 Applicant Candidate shall not exceed an amount equal to 20% of the
31 distribution from the Fund, or the Applicable Spending Limit to a
32 Participating Candidate.

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

1 [(E) An Applicant Candidate or Participating Candidate may contribute up
2 to \$2,500 from the Candidate’s personal funds for In-Kind Contributions.

3 ~~[(E)]~~ [(F)] An Applicant Candidate or Participating Candidate may accept In-
4 Kind Contributions from the beginning of the Exploratory Period up to the
5 regular municipal election, or, in the event that a Participating Candidate is in
6 a run-off, up to the run-off election. The value of any In-Kind Contribution shall
7 not count against the applicable limit on Seed Money contributions. The
8 aggregate amount of In-Kind Contributions received by an Applicant
9 Candidate shall not exceed an amount equal to 10% of the applicable
10 spending limit.

11 ~~[(F)]~~ [(G)] Volunteer work-hours are non-reportable and shall not count as
12 In-Kind Contributions or against the applicable limit on Seed Money. An
13 individual may volunteer personal services to an Applicant Candidate as long
14 as the volunteer is not compensated. If an individual volunteers during
15 working hours, paid by a third-party employer or the Applicant Candidate, then
16 that employer makes an In-Kind Contribution to the Applicant Candidate.

17 ~~[(G)]~~ [(H)] If a Participating Candidate is defeated or is elected, any unspent
18 Seed Money shall be forfeited to the Fund.

19 ~~[(H)]~~ [(I)] Mayoral Applicant Candidates may accept Seed Money from 246
20 days before the election through 136 days before the election. Council
21 Candidates may accept Seed Money from 191 days before the election through
22 120 days before the election.

23 (1) In the event that a Candidate's certification for public financing or
24 qualification by the County Clerk as a Candidate has been challenged, the
25 Candidate may continue to accept seed money until the City Clerk provides
26 the Candidate with notice that the certification or qualification by the
27 County Clerk as a Candidate has been upheld.

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

29 **(A) The Clerk shall distribute money from the Fund to Participating Candidates.**
30 **The Clerk shall distribute revenue within three business days of**
31 **certification. In the event that a Candidate's certification for public**
32 **financing or qualification by the County Clerk as a Candidate has been**
33 **challenged, the Clerk shall distribute funds to the Participating Candidate**

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

1 within three business days of receiving notice that the certification and/or
2 qualification by the County Clerk as a Candidate has been upheld.

3 (B) The Clerk shall distribute ~~the \$1.75~~ [\$2.00] per registered City voter to
4 Mayoral Participating Candidates and ~~[\$1.00]~~ [\$1.25] per registered City
5 voter residing in the district in which the Participating Council Candidate
6 desires to represent. Notwithstanding the foregoing, in Council districts
7 containing fewer than 40,000 registered voters, the Clerk shall distribute
8 \$40,000 to each Participating Council Candidate, in lieu of \$1.00 per
9 registered City voter residing in the district.

10 [(1) Beginning January 15, 2027, and every two years thereafter, the
11 Clerk shall adjust the contribution limit by the consumer price index
12 for all urban consumers as published by the United States Bureau of
13 Labor Statistics for the period beginning January 1, 2024 and ending
14 December 31 of the year preceding the adjustment.]

15 (C) The amount of revenue to be distributed to a Participating Candidate shall
16 be reduced by an amount equal to the aggregate amount of Seed Money
17 contributions received by the Participating Candidate during the
18 Exploratory and Qualifying Periods.

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

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

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

28 (F) If a Participating Candidate is not certified as a candidate, in accordance
29 with applicable state and other City law, then the candidate shall deliver to
30 the Clerk an amount of money equal to all monies distributed to the
31 candidate from the Fund after the candidate was certified as a Participating
32 Candidate plus interest of the total amount of monies received at a rate of
33 12% per annum.

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

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

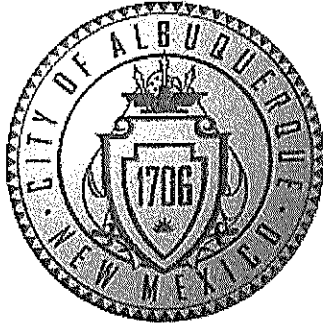
5 (H) If a Participating Candidate becomes unopposed following the distribution
6 of funds, the Participating Candidate shall be promptly given notice by the
7 City Clerk and shall be given three (3) business days after being notified to
8 return any unspent or unencumbered funds. Following the return of funds,
9 the Participating Candidate becomes a privately financed candidate and is
10 no longer subject to the contribution and expenditure requirements of the
11 Open and Ethical Election Code.

12 SECTION 3. SEVERABILITY CLAUSE. If any section, paragraph, word or phrase
13 of this ordinance is for any reason held to be invalid, or unenforceable by any
14 court of competent jurisdiction, such decision shall not affect the validity of the
15 remaining provisions of this ordinance. The Council hereby declares that it
16 would have passed this ordinance and each section, paragraph, sentence,
17 clause, word or phrase thereof irrespective of any provision being declared
18 unconstitutional or otherwise invalid.

19 SECTION 4. COMPILATION. Sections 1 and 2 of this ordinance shall amend, be
20 incorporated in, and made part of the City Charter.

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

23
24
25
26
27
28
29
30
31
32



Mayor Timothy M. Keller

CITY OF ALBUQUERQUE
Albuquerque, New Mexico
Office of the Mayor

INTER-OFFICE MEMORANDUM

March 8, 2024

TO: Dan Lewis, President, City Council

FROM: Timothy M. Keller, Mayor

A handwritten signature in black ink, appearing to be 'TK' or similar initials, written over the printed name of Timothy M. Keller.

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.

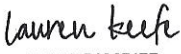
Furthermore, the Charter Clean Up raises the distribution amount for candidates participating in the general election to counteract the impact of inflation on the funding's purchasing power. Specifically, the distribution is increased by \$0.25 per registered voter for both mayoral and council candidates,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

CHARTER CLEAN UP – ELECTIONS AND PUBLIC CAMPAIGN FINANCING.

Approved:

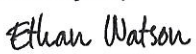
Approved as to Legal Form:


Samantha Sengel Date
Chief Administrative Officer

DocuSigned by:
 3/8/2024 | 4:40 PM MST
1A21D96D32C74EE...
Lauren Keefe Date
City Attorney

Recommended:

DS
WS

DocuSigned by:
 3/8/2024 | 4:20 PM MST
49D7E56AAABB428...
Ethan Watson, City Clerk Date

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.