

CITY of ALBUQUERQUE

TWENTY SIXTH COUNCIL

COUNCIL BILL NO. O-25-81 ENACTMENT NO. _____

SPONSORED BY: Brook Bassan, by request

1 **ORDINANCE**

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

4 **WHEREAS, during the drafting of the 2024 election bill, the citations for**
5 **financial disclosure requirements in Articles XII and XIII of the City Charter**
6 **were not updated before renumbering, resulting in incorrect references that**
7 **could cause confusion in compliance and enforcement; and**

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

13 **WHEREAS, maintaining the integrity and accuracy of the City Charter is**
14 **essential for ensuring that candidates, committees, and the public can**
15 **properly interpret and comply with election and financial disclosure laws,**
16 **thereby upholding transparency and accountability in municipal elections; and**

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

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

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

25 **(e) “Candidate” means any individual who has: (1) obtained a nominating**
26 **petition from the City Clerk pursuant to Section 4(d)1.D. of the Election Code**

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[Bracketed/Strikethrough Material] - Deletion

1 for the office of Mayor or Councilor; (2) filed an affidavit on a form approved
2 by the City Clerk, stating that they are 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 (k) "Gift" or "Valuable Gift" means that which is directly or indirectly paid
10 or given to another for an individual's benefit or by any other means, for which
11 consideration equal or greater than fair market value was not given by the
12 official within 90 days of the official's receipt of such gift, including, but not
13 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(h)(3) of the Election Code, including but not limited to
6 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) 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(d)1.D. of this Election Code
30 for the office of Mayor or Councilor; (2) filed an affidavit on a form approved
31 by the City Clerk, stating that he or she is a candidate for either the office of
32 Mayor or City Councilor; (3) filed as a candidate for elected office as required
33 by law, whichever first occurs; or (4) has received or solicited contributions or

1 made expenditures of one thousand dollars (\$1,000) or more or authorized
2 another person or campaign committee to receive or solicit contributions or
3 make expenditures of one thousand dollars (\$1,000) or more for the purpose
4 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(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)
24 days after publication by title and general summary.