

CHARTER OF THE CITY OF ALBUQUERQUE



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CITY CHARTER

PREAMBLE

We, the people of the City of Albuquerque, under the law of the State of New Mexico, do ordain and establish this form of government for the City of Albuquerque, New Mexico.
(Adopted at Special Election, June 29, 1971.)

ARTICLE I. INCORPORATION AND POWERS

The municipal corporation now existing and known as the City of Albuquerque shall remain and continue to be a body corporate and may exercise all legislative powers and perform all functions not expressly denied by general law or charter. Unless otherwise provided in this Charter, the power of the city to legislate is permissive and not mandatory. If the city does not legislate, it may nevertheless act in the manner provided by law. The purpose of this Charter is to provide for maximum local self government. A liberal construction shall be given to the powers granted by this Charter.

(Adopted at Special Election, June 29, 1971.)

ARTICLE II. ELECTIONS**Section 1. ELECTION DATES.**

The Councillors representing even-numbered Districts shall be elected by the voters to four-year terms at the regular municipal election held on October 7, 1975. The Mayor and the Councillors representing odd-numbered Districts shall be elected by the voters to four-year terms at the regular municipal election held on October 4, 1977. Thereafter, regular municipal elections shall be held on the first Tuesday after the first Monday in October of odd-numbered years, provided that a regular municipal election day may be set by election resolution on an alternate date when the first Tuesday after the first Monday in October falls on a recognized holiday or a recognized religious holiday or eve.

(Amended at Regular Municipal Election, October 2, 2007.)

Section 2. REFERENCE TO STATE LAW.

(a) The Municipal Election Code, Chapter 3, Articles 8 and 9, NMSA 1978, as amended and as supplemented from time to time, shall govern the conduct of all aspects of municipal elections, except where inconsistent with the terms of this Charter, in which event this Charter shall control.

(b) Any ordinance adopted subsequent to the effective date of this Section by a majority of the entire membership of the Council plus two additional members thereof voting in favor of such ordinance, and said ordinance being otherwise governed by Article XI of this Charter, which ordinance expressly provides that it is to take precedence over the Municipal Election Code, shall take precedence over such Code except where such ordinance is inconsistent with the terms of this Charter, in which event this Charter shall control.

Section 3. QUALIFICATIONS FOR MAYOR AND COUNCILLORS.

Persons desiring to become candidates for Mayor shall, before being placed on the ballot, file with the City Clerk a petition containing signatures of two percent (2%) of registered city voters. Persons desiring to become candidates for District Councillor shall, before being placed on the ballot, file with the City Clerk a petition containing signatures of two percent (2%) of the registered voters residing in the district which the person desires to represent. The number of registered voters shall be determined as of the date petitions may begin to be circulated.

(Amended at a Special Election held in conjunction with a Regular Municipal Election, October 5, 1999, as Question #3.)

Section 4. DESIGNATION OF CANDIDATES.

The ballots shall be printed by the city and shall contain the names of the candidates without party or other designation. In city elections, paper ballots may be used exclusively if found more expedient or desirable. Where voting machines are used, any references to ballots will apply equally to voting machines.

Section 5. DEFINITION.

The term "elector" or "voter" when used in this Charter means a person who is a resident of the city and who is entitled to vote for candidates for municipal office in a municipal election under the Constitution and statutes of New Mexico as amended and supplemented from time to time and who is registered pursuant to the applicable statutes of New Mexico as amended and supplemented from time to time or who is registered pursuant to any ordinance of the Council which expressly provides that it is to take precedence over such statutes and which is enacted after the effective date of this Section.

Section 6. FORTY PERCENT MINIMUM VOTE.

Those persons who are candidates for Mayor or Councillor and receive the largest number of votes cast for the office in question are elected, provided the number of votes equals or exceeds 40% of the total number of votes cast for the office.
(See note at end of Article II, Section 7.)

Section 7. RUNOFF ELECTIONS.

(a) If no candidate receives 40% of the votes cast for the particular office in question, a runoff election shall be held within forty-five days after certification of the results of the election in question as now provided by law and as amended and supplemented from time to time. Unless otherwise specified in this Charter, the two candidates who receive the highest number of votes cast for the office in question shall automatically become the candidates at the runoff election and the filing of declarations of candidacy is dispensed with.

(b) The Council shall by resolution fix the date of the runoff election and specify the offices to be filled and the names of the candidates therefor. The resolution shall be published once, at least seven days

before the runoff election date. Otherwise, no publications are required in connection with runoff elections.

(c) Only such voting precincts and procedures will be reactivated for a runoff as will be required, on a city-wide basis if officials to be voted on by the entire city electorate are involved, otherwise only such District Councillor districts as may be involved.
(Article II amended at Regular Municipal Election, October 3, 1989, as part of Proposition #1.) (The Second Judicial District Court of the State of New Mexico, in the case of *Campbell v. Santillanes*, CV-97-04851, declared the portion of Section 6 concerning the requirement of obtaining 40% of the total votes cast and Section 7 concerning runoff elections violative of Article VII, Section 5, of the New Mexico Constitution. This ruling was not appealed.)

**ARTICLE III. RECALL ELECTIONS,
REFERENDA AND DIRECT LEGISLATION****Section 1. RECALL.**

(a) Any elective officer of the city shall be subject to a recall election initiated by the following procedures:

(1) Notice of intent to circulate a petition for recall must be signed by five qualified voters and filed with the City Clerk.

(2) A petition for recall election shall cite grounds of misconduct in office or the violation of the oath of office by the official occurring during the current term of office.

(3) The recall petition shall be signed by not less than thirty-three and one third percent of the number of persons who voted in the last regular municipal election for the position the official was elected.

(4) Prior to and as a condition of circulating a petition for recall the factual allegations supporting the grounds of misconduct in office or violation of the oath of office stated in the petition shall be presented to the City Clerk. The petition shall not be circulated unless, after a hearing in state district court in which the proponents of the recall and the official sought to be recalled are given an opportunity to present evidence.

(5) The signed petitions must be filed with the City Clerk no more than 60 days after the determination of the district court. The City Clerk shall verify the signatures.

(6) No elected official shall be the subject of a recall election during the last six months of the official's term.

(b) The election must be held within ninety days after the last permissible date for filing petitions.

(c) At such election, the ballot shall contain the name of the officer, the position which the officer holds, and the dates of the beginning and termination of the official term. Below the name of the officer shall be the two phrases "For the Recall" and "Against the Recall", one below the other.

(d) If a majority of the ballots and a number equal to a majority of the ballots cast at the election of the officer whose recall is proposed, show a vote for the recall, the office in question shall be thenceforth vacant.

(e) If an officer is recalled as provided for above, the officer shall not be appointed to fill his or her own unexpired term nor be eligible for re-election to the position from which they have been recalled until the term for which the officer was originally elected shall have expired.

(f) Vacancies created by a recall election shall be filled in the same manner as is provided for the filling of vacancies in the office of Councillor or Mayor due to other causes; provided, that if all the Councillors are recalled at one election, the City Clerk, or if there be no City Clerk, the Chief Judge of the District Court of the County of Bernalillo, shall within three days call an election to be held in accordance with the provisions specified in this Charter for the election of Councillors at regular elections.

(g) When a Councillor is subjected to recall proceedings, only voters registered as residing in the District which the Councillor represents may sign petitions and vote in the recall proceedings. (Amended at Regular Municipal Election, October 2, 2007.)

Section 2. REFERENDUM.

(a) Except as provided in (d) of this Section, any ordinance may be subject to a referendum on such ordinance as follows:

1. If such ordinance is not an emergency measure, the filing of such petition shall suspend the effective date of the ordinance until an election shall have been held as petitioned. If such ordinance is an emergency measure, it shall go into effect at once, subject to repeal by an adverse majority at the election.

2. The number of qualified voters required to sign the petition shall be a number more than 20% of the average number of voters who voted at the four regular municipal elections prior to publication of the ordinance or more than 20% of the number of voters who voted at the regular municipal election prior to publication of the ordinance, whichever is the greater.

3. Before any signatures are affixed thereon, the form of such petition must be approved by the City Clerk as provided by law.

4. No such petition or any part thereof, may be filed more than thirty-five days after publication of the ordinance.

5. An election on the issue must be held within ninety days after the date of filing the petition.

(b) At such election the ballot shall contain the text of the measure in question and below the same the phrases: "For the Above Measure" and "Against the Above Measure" followed by spaces for marking with a cross or a check the phrase desired.

(c) If a majority of the votes cast are against the measure, it shall be of no effect. If a majority of the votes cast be not against the measure, it shall go into effect forthwith.

(d) The referendum procedure of this Section shall not be available for:

1. Any ordinance authorizing bonds or other obligations where such ordinance, bonds or other obligations appropriately have been approved at an election in the city;

2. Any ordinance levying or otherwise relating to special assessments; or

3. Any ordinance which imposes, levies, increases or otherwise amends rates, tolls, fees and charges for services rendered by any municipal utility or any municipal revenue producing project if bonds or other obligations payable from the designated source are then outstanding.

Section 3. DIRECT LEGISLATION BY VOTER INITIATIVE.

(a) Except as provided in (d) of this Section, a measure may be proposed to the governing body for enactment as follows:

1. Notice of intent to circulate a petition proposing any measure must be signed by five qualified voters and filed with the City Clerk;

2. Concurrently with the filing of the notice of intent, the proposed measure shall be filed with the City Clerk;

3. The number of qualified voters required to sign the petition shall be a number more than 20% of the average number of voters who voted at the four regular municipal elections prior to filing the notice of intent or more than 20% of the number of voters who voted at the regular municipal election prior to filing the notice of intent, whichever is greater;

4. Before any signatures are affixed thereon, the form of such petition must be approved by the City Clerk as provided by law and the date of filing the notice of intent shown thereon;

5. No such petition or any part thereof, may be filed more than sixty days after the date of filing the notice of intent;

6. If the Council fails to act upon a measure so proposed within fourteen days after the City Clerk files a certification with the Council that the petition has been signed by the required number of voters, or the Council acts adversely thereon or amends it an election on the issues must be held within ninety days after the date of filing the petition.

(b) At such election the ballot shall contain the proposed measure as originally submitted and the measure as amended, if amended by the governing body of the city. Below each of these measures, there shall be printed the words: "For" and "Against" followed by spaces for marking with a cross or a check the word desired.

(c) The measure receiving a majority of the votes cast on that measure in its favor is adopted. If each measure receives a majority of votes cast on that measure in its favor, the measure receiving the greatest number of votes cast in its favor is adopted. If neither measure receives a majority of the votes cast, neither shall be in effect.

(d) The initiative procedure of this Section shall not be available to amend or repeal, directly or indirectly:

1. Any ordinance authorizing bonds or other obligations where such ordinance, bonds or other obligations appropriately have been approved at an election in the city;

2. Any ordinance levying or otherwise relating to special assessments;

3. Any ordinance which imposes, levies, increases or otherwise amends any excise tax pledged to any bonds or other obligations then outstanding;

4. Any ordinance which imposes, levies, increases or otherwise amends rates, tolls, fees and charges for services rendered by any municipal utility or any municipal revenue producing project if bonds or other obligations payable from the designated source are then outstanding; or

5. Any ordinance authorizing or otherwise relating to any city bonds or other obligations then outstanding.

(Article III amended at Regular Municipal Election, October 3, 1989, as part of Proposition #1.)

ARTICLE IV. COUNCIL**Section 1. AUTHORITY AND MEMBERSHIP OF THE COUNCIL.**

The legislative authority of the city shall be vested in a governing body which shall constitute the legislative branch of the city and shall be known as a Council, consisting of nine members from separate Council Districts, each member to be known as a Councillor. Each of the Council Districts shall elect one Councillor, who shall be a qualified voter of the District. (Amended at Regular Municipal Election, October 8, 1991, as Proposition #1; Amended at a Special Election held in conjunction with a Regular Municipal Election, October 5, 1999, as Question #7.)

Section 2. COUNCIL DISTRICTS.

(a) The total area of the city shall be divided into nine Council Districts, numbered one to nine inclusive, and each district shall elect one Councillor. Any member of the Council representing one of the districts shall be elected by the registered qualified electors of that district only.

(b) The boundaries, 1980 Census population and numerical designation of the Council Districts are specified in Appendix A of this Charter and shall remain in effect until altered or changed in accordance with the provisions set forth in this Charter.

Section 3. DISTRICT BOUNDARY REVISIONS.

(a) After each Federal Census, the Council shall appoint a committee composed of an equal number of representatives from each Council District, none of whom shall be elective city officers, to review and make recommendations concerning the nine Council Districts. In making such appointments, the Council shall, as nearly as is practicable, provide fair and balanced representation of all geographical areas of the City in the redistricting process and provide a total membership that reflects the racial, ethnic and gender makeup of the City's population. Any recommended changes will comply with constitutional principles governing voting rights, population and similar related problems as determined by judicial decision from time to time. The district boundaries may be altered by the

Council and Mayor once following each Federal Census. Such action shall require the approval of the Mayor and shall not constitute an amendment to the Charter.

(b) The district boundaries may be altered as necessary to incorporate areas which are annexed to the city. Such action shall not constitute an amendment to this Charter.

(Amended at Regular Municipal Election, October 2, 2001, as Proposition #8.)

Section 4. TERMS OF OFFICE.

The terms of the office of a Councillor, unless sooner recalled or removed, shall begin on December 1st of the year of election and be four years or until a successor is duly elected and qualified. The Councillors may succeed themselves in office. The terms of office of Councillors shall be staggered with four or five districted Councillors elected every two years.

Section 5. COUNCIL ORGANIZATION.

The Council shall elect a president from its number and shall determine its order and procedure.

Section 6. COMPENSATION OF THE COUNCIL.

Councillors shall receive annual salaries equal to one-tenth of the annual salary received by the Mayor. The Council President shall receive double the annual salary received by other Councillors.

Section 7. MEETINGS OF THE COUNCIL.

(a) The Council or any of its component committees shall meet as frequently as its business may require. The Council shall establish regular Council meeting times by ordinance. Between official Council meetings the Council shall form itself into committees for consideration of specific areas of government, using citizenship participation in committee work if found advisable.

(b) All meetings of both the Council and the committees shall be open to the public and due notice thereof given. Records shall be kept of all voting by

each Councillor and committee member. Publicity shall be given to the minutes of all meetings of the Council and committees, and the official records of such meetings shall be open to inspection at all convenient times.

Section 8. COUNCIL POWERS.

The Council shall have the power to adopt all ordinances, resolutions or other legislation conducive to the welfare of the people of the city and not inconsistent with this Charter, and the Council shall not perform any executive functions except those functions assigned to the Council by this Charter.

Section 9. VACANCIES IN OFFICE.

(a) A vacancy in the office of Councillor occurs upon the Councillor's death, disability, recall, resignation, removal or termination of residency in the district represented.

(b) If a vacancy occurs in the office of Councillor, the Mayor shall appoint a registered qualified elector of the District to fill the vacancy. Anyone appointed to fill a vacancy shall serve until the next regular election, at which time a person shall be elected to fill the remaining unexpired term, if any.

Section 10. COUNCIL DUTIES.

The Council shall:

(a) Be the judge of the election and qualification of its members;

(b) Establish and adopt by ordinance or resolution five-year goals and one-year objectives for the city, which goals and objectives shall be review and revised annually by the Council;

(c) Consult with the Mayor, seek advice from appropriate committees, commissions and boards, and hold one or more public hearings before adopting or revising the goals and objectives of the city;

(d) Review, approve or amend and approve all budgets of the city and adopt policies, plans, programs and legislation consistent with the goals and objectives established by the Council;

(e) Preserve a merit system by ordinance;

(f) Hire the personnel necessary to enable the Council to adequately perform its duties;

(g) Perform other duties not inconsistent with or as provided in this Charter; and

(h) Faithfully execute and comply with all laws, ordinances, regulations and resolutions of the city and all laws of the State of New Mexico and the United States of America which apply to the city.

Section 11. DEFINITIONS.

Whenever used in this Charter:

(a) The word "Commission" means "Council"; "Commissioner" and "District Councillor" mean "Councillor"; "Commissioners" means "Councillors".

(b) "Quorum" means a majority of the entire Council, committee or other body involved.

(c) The masculine term refers equally to the feminine.

Section 12. OFFICER OR EMPLOYEE OF A COUNTY.

Effective December 1, 1993, no Councillor shall be an officer or employee of any county of the State of New Mexico while in office, except a person who on October 3, 1989, is both a Councillor and an officer or employee of a county of the State of New Mexico may thereafter hold and be elected to the office of Councillor while so employed.

(Section 12 adopted at Regular Municipal Election, October 3, 1989, as Proposition #7; Article IV amended at Regular Municipal Election, October 3, 1989, as Proposition #2.)

Section 13. TERM LIMITS.

Effective January 1, 1994, Councillors may not serve more than two elected terms. Councillors who have served more than two terms on that date may remain in office until their term expires.

(Section 13 adopted at Special Municipal Election, January 11, 1994, as Proposition #7. This Section has

been declared unconstitutional by the New Mexico Court of Appeals on July 18, 1995. The New Mexico Supreme Court denied certiorari and therefore the New Mexico Court of Appeals decision declaring this section unconstitutional stands.)

ARTICLE V. MAYOR

Section 1. ELECTION OF THE MAYOR.

The Mayor shall be a registered qualified elector on the date of filing of the declaration of candidacy for the office of Mayor. The Mayor shall be elected by the registered qualified electors of the city.

(Amended at a Special Election held in conjunction with a Regular Municipal Election, October 5, 1999, as Question #9.)

Section 2. MAYOR'S TERM AND SALARY.

The term of Mayor, unless sooner recalled or removed, shall begin on December 1st of the year of election and shall be for four years or until a successor is duly elected and qualified; after having served two consecutive terms, the incumbent Mayor shall be ineligible to hold office for four years thereafter. The salary shall be thirty-four thousand dollars per year. The Council may approve a percentage increase up to the average percentage increase provided for employees of the city.

Editor's note: The provision of this Section providing that an individual is ineligible to run for mayor for four years following two consecutive terms was declared unconstitutional by the New Mexico State District Court on March 31, 2008.

Section 3. POWERS; PERFORMANCE; APPOINTMENTS.

The executive branch of the city government is created. The office of Mayor is created. The Mayor shall control and direct the executive branch. The Mayor is authorized to delegate executive and administrative power within the executive branch. The Mayor shall be the chief executive officer with all executive and administrative powers of the city and the official head of the city for all ceremonial purposes. The Mayor shall devote full time and attention to the

performance of the duties of office and shall hold no other paid public or private employment.

Section 4. DUTIES OF THE MAYOR.

The Mayor shall:

- (a) Organize the executive branch of the city;
- (b) Exercise administrative control and supervision over and hire or appoint directors of all city departments, which appointments shall not require the advice or consent of the Council except as provided in (d) of this Section;
- (c) Be responsible for the administration and protection of the merit system;
- (d) With the advice and consent of the Council, hire or appoint the City Attorney, an officer to administer the merit system, and all other senior administrative or cabinet level officers of the city, including without limitation any chief, assistant or deputy administrative officers, and specify the duties and responsibilities of those officers;



(e) Except as otherwise provided for by ordinance, with the prior advice and final consent of the Council appoint the members of city committees, commissions and boards;

(f) Formulate the budgets of the city consistent with the city's goals and objectives, as provided in this Charter;

(g) Establish and maintain a procedure for investigation and resolution of citizen complaints;

(h) Prepare a written state of the city report annually, within thirty days after final approval of the operating budget of the city, which report shall be filed with the City Clerk, made a part of the permanent records of the city and available to the public;

(i) Perform other duties not inconsistent with or as provided in this Charter; and

(j) Faithfully execute and comply with all laws, ordinances, regulations and resolutions of the city and all laws of the State of New Mexico and the United States of America which apply to the city.
(Amended at Regular Municipal Election, October 2, 2007.)

Section 5. VACANCY IN THE OFFICE OF MAYOR.

(a) If the Mayor shall die, resign or terminate residence in the City of Albuquerque during his term of office, or be removed from office, the office of the Mayor shall become vacant.

(b) If a regular election will occur within one year of the date on which the vacancy occurs, the President of the Council shall serve as Mayor Pro Tem until a successor is elected and qualified. If the President of the Council shall decline to serve, the Council shall select from among its membership the person to serve as Mayor Pro Tem until a successor is elected and qualified. If the President of the Council or any Councillor becomes Mayor Pro Tem pursuant to this Section, the Mayor Pro Tem shall cease to be a Councillor during the term as Mayor Pro Tem and the seat on the Council shall become vacant. The Mayor Pro Tem shall receive the same salary on a pro-rata basis as that provided for the former Mayor.

(c) A vacancy in the office of Mayor which occurs more than one year prior to the next regular election shall be filled for the remainder of the unexpired term by a special election. During the interim between the date the office is vacated and the date of the special election, the Mayor's position shall be filled by a Mayor Pro Tem determined by the same procedure specified in Subparagraph (b) above. However, in this event, the Mayor Pro Tem shall temporarily cease to be a Councillor during the term as Mayor Pro Tem and the seat on the Council shall remain vacant until reassumed. Likewise, in this event the Mayor Pro Tem is exempt from the provision of Section 3 above that the Mayor shall hold no other paid public or private employment. During the interval the Mayor Pro Tem serves pursuant to this Subparagraph, the Mayor Pro Tem shall receive a pro-rata salary based on the same salary that the former Mayor was receiving and shall receive no salary as a member of the Council.
(Article V amended at Regular Municipal Election, October 3, 1989, as part of Proposition #4.)

ARTICLE VI. CHARTER AMENDMENTS

Section 1. [PROCEDURE].

Amendments to this Charter may be proposed by the Council or by the following procedure:

(a) Notice of intent to circulate a petition proposing any amendment to this Charter must be signed by five qualified voters and filed with the City Clerk;

(b) Concurrently with the filing of the notice of intent, the proposed amendment shall be filed with the City Clerk;

(c) The number of qualified voters required to sign the petition shall be a number more than 20% of the average number of voters who voted at the four regular municipal elections prior to filing the notice of intent or more than 20% of the number of voters who voted at the regular municipal election prior to filing the notice of intent, whichever is greater;

(d) Before any signatures are affixed thereon, the form of such petition must be approved by the City Clerk as provided by law and the date of filing the notice of intent shown thereon;

(e) No such petition, or any part thereof, may be filed more than sixty days after the date of filing the notice of intent.

(Amended at a Special Election held in conjunction with a Regular Municipal Election, October 5, 1999, as Question #2.)

Section 2. [ELECTION].

The election must be held within ninety days after the date of the Council filing the proposed amendment with the City Clerk or from the time of filing the petition with the City Clerk.

Section 3. [BALLOT].

At such election the ballot shall contain the text of the proposed amendment and below the same the phrases "For the Above Amendment" and "Against the Above Amendment" followed by spaces for marking with a cross or a check the phrase desired.

Section 4. [VOTE].

If a majority of the votes cast are against the amendment, it shall be of no effect. If a majority of the votes cast are for the amendment, it shall be adopted. (Article VI amended at Regular Municipal Election, October 3, 1989, as part of Proposition #1.)

ARTICLE VII. THE ANNUAL OPERATING BUDGET

Section 1. [MAYOR TO FORMULATE].

The annual operating budget of the city should be formulated by the Mayor, in consultation with the Council and consistent with the goals and objectives of the city, as provided in this Charter and by city ordinance.

Section 2. [COUNCIL REPRESENTATIVE TO PARTICIPATE].

A representative of the Council shall be allowed to participate in all meetings and have access to all information relating to the formulation of the budget.

Section 3. [PROPOSAL AND APPROVAL DATE].

The Mayor shall propose the budget to the Council by April 1 of each year. The Council shall approve the budget as proposed or amend and approve it within sixty days after it is proposed by the Mayor.

Section 4. [PUBLIC HEARINGS].

During the sixty days of deliberation by the Council, the Council shall hold at least three public hearings on the proposed budget. The Mayor, or the Mayor's representative, shall be present at the hearings on the proposed budget to answer questions about the budget.

Section 5. [FAILURE OF COUNCIL TO APPROVE].

If the Council fails to approve a budget within sixty days after it is proposed to the Council by the Mayor, then the budget as proposed by the Mayor is deemed approved by the Council.

Section 6. [PROCEDURE ORDINANCE].

A procedure for formulation of the annual operating budget shall be established by ordinance adopted by the Council, after consultation with the Mayor, consistent with this provision of the Charter. The ordinance shall establish a conference committee comprised of six members, three of whom shall be designated by the Mayor and three of whom shall be designated by the Council, for the resolution of any disagreements between the Mayor and the Council that arise concerning the budget during the sixty-day period starting April 1 of each year.

(Article VII adopted at Regular Municipal Election, October 3, 1989, and repealed former Article VII as part of Proposition #4.)

ARTICLE VIII. [HUMAN RIGHTS]

The Council shall preserve, protect and promote human rights and human dignity, shall promote and encourage the recognition and exercise of human responsibility and shall prohibit discrimination on the

basis of race, color, religion, sex, national origin or ancestry, age or physical handicap. To effect these ends the Council (City Commission) shall take whatever action is necessary and shall enact ordinances and shall establish appropriate Commissions, Boards or Committees with jurisdiction, authority and staff sufficient to effectively administer city policy in this area.

(Adopted at Special Election, June 29, 1971.)

ARTICLE IX. [ENVIRONMENTAL PROTECTION]

The Council (City Commission) in the interest of the public in general shall protect and preserve environmental features such as water, air and other natural endowments, insure the proper use and development of land, and promote and maintain an aesthetic and humane urban environment. To effect these ends the Council shall take whatever action is necessary and shall enact ordinances and shall establish appropriate Commissions, Boards or Committees with jurisdiction, authority and staff sufficient to effectively administer city policy in this area.

(Adopted at Special Election, June 29, 1971.)

ARTICLE X. MERIT SYSTEM

Section 1. MAINTENANCE OF THE MERIT SYSTEM.

It is necessary for the optimum functioning of the Mayor-Council form of government that the city maintain a merit system governing the hiring, promotion, discharge and general regulations of employees. The Mayor and Council shall maintain by ordinance, and the Mayor administer, a merit system which shall include as a minimum, reasonable provisions establishing:

- (a) Classified and unclassified service;
- (b) Methods of service rating of classified employees;
- (c) Methods of initial employment, continuation thereof and promotion, recognizing efficiency and

ability as the applicable standards;

(d) Appropriate grievance and appeal procedures for classified employees; and

(e) An active personnel board composed of individuals not employed by the city.

Section 2. INVOLVEMENT IN PERSONNEL MATTERS.

(a) Councillors are prohibited from becoming involved in the hiring, promotion, demotion or discharge of any city employee, except those positions for which the Charter requires the advice and consent of the Council and those personnel who are hired by and directly responsible to the Council.

(b) Except to the extent necessary for the administration of the merit system, the Mayor is prohibited from becoming involved in the hiring, promotion, demotion, or discharge of any city employee except those personnel hired for unclassified positions directly responsible to the Mayor.

Section 3. DUAL POSITIONS.

Effective January 1, 1993, employees of the city are prohibited from holding an elective office of the State of New Mexico or any of its political subdivisions, except employees of the city on October 3, 1989, who on that date hold elective office of the State of New Mexico or any of its political subdivisions may thereafter hold and be elected to the same elective office while serving as a city employee. (Section 3 adopted at Regular Municipal Election, October 3, 1989, as Proposition #8; Article X amended at Regular Municipal Election, October 3, 1989, as part of Proposition #4.)

ARTICLE XI. ORDINANCES

Section 1. STYLE.

The enacting clause of an ordinance of the City of Albuquerque shall be: "Be It Ordained By the Council, the Governing Body of the City of Albuquerque:".

Section 2. ADOPTION.

If a majority of a legal quorum of the Councilors present at a Council meeting vote in favor of adopting the ordinance or resolution, it is adopted.

Section 3. MAYOR'S APPROVAL OR DISAPPROVAL; OVERRIDE VETO.

The Mayor shall have presented for approval every proposed ordinance, resolution or act creating rights or duties, and if the Mayor approves, shall within ten days from presentation sign it and deposit it with the City Clerk, and if the Mayor disapproves, the Mayor shall likewise within ten days return it to the Council with objections and the proposal shall not be effective unless two-thirds of the entire membership of the Council at the next regularly scheduled meeting approve the proposal. If the Mayor shall fail to approve or disapprove any such ordinance, resolution or act within ten days after presentation it shall nevertheless be in full force and effect as if the Mayor had approved the same. The Mayor's veto power shall not extend to any measure approved by the voters in accordance with the initiative procedure of this Charter and such measure shall be effective on the date approved by the voters or on any other effective date as stated in the measure.

(Amended at Regular Municipal Election, October 3, 1989, as part of Proposition #4.)

Section 4. MONEY APPROPRIATIONS.

The Mayor shall have presented for approval every proposed ordinance, resolution or act appropriating money. The Mayor may approve or disapprove any part or parts, item or items of any proposed act appropriating money and such parts or items approved shall become effective, and such as are disapproved shall be void unless passed over the Mayor's veto as herein provided.

Section 5. TIME LIMITS.

All veto authority of the Mayor shall be exercised within 10 days after presentation of the matter to the Mayor by the Council. The Council shall take action on any disapproved or altered ordinance, resolution or act at the next regularly scheduled meeting after return

of the same to the Council by the Mayor.
(Amended at Regular Municipal Election, October 7, 1975, as Proposition #3.)

Section 6. AUTHENTICATION; PUBLICATION; EFFECTIVE DATE; CODIFICATION.

(a) An ordinance shall be recorded and preserved by the City Clerk, authenticated by the signature of the presiding officer of the governing body and City Clerk, and bear the seal of the city. The ordinance shall be published one time either in its entirety or by title and general summary of the subject matter contained in the ordinance, whichever the Council elects to do.

(b) An ordinance shall not become effective until five days after it has been published, unless passed and approved as an emergency measure, in which event it shall become effective immediately following publication or at a subsequent date determined by Council.

(c) If the ordinances of the city are codified, it is not necessary to publish same in entirety. An ordinance, referring to the codification by title only and specifying one place in the city's municipal offices where the codification may be inspected during normal and regular business hours, may be published instead of the codification.

Section 7. PUBLIC VOTE ON PERFORMING ARTS CENTER.

The city shall not appropriate funds for a performing arts center costing more than ten (10) million dollars without prior approval of a majority of votes cast on the proposed performing arts center in a municipal election. The city may, however, appropriate funds to study, to analyze the feasibility of, and to undertake preliminary design of any such center prior to the election required by this section.

(Section 7 repealed and new Section 7 adopted at Regular Municipal Election, October 8, 1991, as Proposition #3; Section 7 adopted at Special Municipal Election, March 26, 1991, as Proposition #1; Article XI adopted at Special Election, February 26, 1974 as part of Proposition #3.)

ARTICLE XII. CODE OF ETHICS

Section 1. DECLARATION OF POLICY.

The proper administration of democratic government requires that public officials be independent, impartial, and responsible to the people; that government decisions and policy be made in the best interest of the people, the community and the government; and that the public have confidence in the integrity of its government. In recognition of these goals, the following Code of Ethics shall apply to all officials of the city.

Section 2. DEFINITIONS.

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

(b) "Business Dealings" or "Business Dealings With The Governmental Body" includes circumstances where a person is (1) presently a party to a contract with the city, (2) presently a subcontractor under a subcontract with a party under contract with the city, (3) bidding, proposing, or applying for contracts with the city, (4) a party in litigation with the city, (5) a party before a quasi-judicial administrative proceeding conducted by a city board, commission, committee or hearing officer or (6) a party to an appeal of a decision of a city department, quasi-judicial administrative board, commission, committee or hearing officer.

(c) "Candidate" means any individual who has (1) obtained a nominating petition from the City Clerk pursuant to Section 4(c)1.D. of the Election Code for the office of Mayor or Councillor, (2) filed an affidavit on a form approved by the City Clerk, stating that he or she is a candidate for either the office of Mayor or City Councillor or (3) filed as a candidate for elected office as required by law, whichever first occurs.

(d) "Consideration" means something of value or a written promise to pay or otherwise provide something of value which is enforceable through the courts.

(e) "Contract with the City" means a written contract to (1) purchase real property from the city, (2) sell real property to the city, (3) rent real or personal property to or from the city, or (4) provide services and/or goods to the city. A contract with the city shall

also include all subdivision improvement agreements for the private development of public infrastructure and associated easements and revocable permits. Contracts excluded from this definition are those for services provided by the city such as water, wastewater or solid waste collection; intergovernmental agreements such as a joint powers agreement or a memorandum of understanding. Permits and licenses issued by the city shall not be deemed contracts with the city for purposes of the Ethics Code.

(f) "Direct Interest", "Private Interest" or "Private Financial Interest" means an interest concerning; (1) a partnership, limited liability partnership, or limited liability company in which an official has invested capital or otherwise owns an interest; (2) a corporation in which an official owns (i) ten percent (10%) or more of the outstanding capital stock or (ii) capital stock with a cumulative value of \$25,000 or more; or (3) a corporation, partnership, limited liability partnership, or limited liability company in which the official is an officer, director, or agent. Direct Interest, Private Interest or Private Financial Interest does not mean an interest in stock owned indirectly through a mutual fund, retirement plan, or other similar commingled investment vehicle the individual investments of which the Official does not control or manage.

(g) "Gift" or "Valuable Gift" means that which is accepted by an official or by another on the official's behalf, or that which is paid or given to another for or on behalf of an official, directly, indirectly, or in trust for the official's benefit or by any other means, for which consideration equal or greater than fair market value is not given by the official within 90 days of the official's receipt of such gift, including, but not limited to (1) real property, (2) the use of real property, (3) tangible or intangible personal property, (4) the use of tangible personal property, (5) a preferential rate or terms on a debt, loan, goods, or services, which rate is below the customary rate and is neither a government rate nor a rate available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin, (6) forgiveness of an indebtedness, (7) transportation, other than that provided to an official by a governmental agency in relation to approved government business, lodging or parking, (8) food or beverage, (9) membership dues, other than dues paid by a city agency, (10) entrance fees, admission fees, or tickets to events, performances, or facilities, (11) plants, flowers, or floral arrangements, (12) services provided by persons pursuant to a professional license or certificate, (13) other personal services for which a fee

is normally charged by the person providing the services and (14) any other similar service or thing having an attributable value not already provided for in this section.

Gift does not include (1) salary, benefits, services, fees, commissions, returns on an investment, a loan, interest incurred on a bond, or expenses associated primarily with the official's employment, business or service as an officer or director of a private corporation or organization, (2) contributions reported as campaign contributions pursuant to the Election Code and the Code of Ethics, (3) an honorarium or an expense related to an honorarium event paid to an official or the official's spouse, (4) an award, plaque, certificate, or similar personalized item given in recognition of the official's public, civic, charitable, or professional service, (5) an honorary membership in a service or fraternal organization presented merely as a courtesy by such organization, (6) the use of a public facility or public property made available by a governmental agency for a public purpose, (7) transportation provided to an official by a governmental agency in relation to official approved governmental business, (8) gifts provided directly or indirectly by a state, regional or national organization whose primary purpose is the promotion of the exchange of ideas between governmental officials or employees or to provide for the professional development or training of such governmental officials or employees, provided that such organization has a membership that is primarily composed of elected or appointed public officials or employees, (9) the use of a city facility by an official, and (10) all non-pecuniary things or services donated in any twelve (12) month period from a single donor that have a cumulative fair market value of one hundred (\$100.00) or less.

(h) "Governmental Body" means the City of Albuquerque and any of its boards, commissions and committees.

(i) "Immediate Family" or "Immediate Family Member" means spouse, children, step-children, parents, grandparents, grandchildren, siblings, first cousins, nieces, nephews, uncles and aunts.

(j) "Indirect interest" or "indirect private financial interest" means any interest in which legal title is held by another as trustee or other representative capacity, but the equitable or beneficial interest is held by the official or the official's immediate family. Indirect interest shall include a pecuniary or competitive

advantage that exists or could foreseeably accrue as a result of the act or inaction of the official.

(k) "Official" means the Mayor, all members of the Council, all members of boards, commissions and committees; all directors and the equivalent thereof for each department, division or section; assistant, associate or deputy department, division or section directors and the equivalent thereof; the Director of Council Services; the Chief Administrative Officer; Deputy or Assistant Chief Administrative Officers and the equivalent thereof and all other city employees appointed directly by the Council, Mayor or Chief Administrative Officer.

(l) "Person" means any individual, cooperative association, club, corporation, company, firm, partnership, joint venture, syndicate, profit or nonprofit organization, or other entity.
(Amended by Ordinance Nos. 35-1975, 91-1980, 24-1981, and 34-2006; Amended at Regular Municipal Election, October 3, 1989, as part of Proposition #4.)

Section 3. BOARD OF ETHICS AND CAMPAIGN PRACTICES.

(a) The Board shall be made up of seven members, who shall be chosen as follows: The Council shall appoint three members and the Mayor shall appoint three members. The six members so appointed shall select a seventh person to serve as Chairperson of the Board. The appointment of a Board member by one appointing authority shall not be approved or disapproved by the other two appointing authorities. Each member shall be a qualified elector of the city, and no member shall be an official or employee of the city or the spouse, parent or child of an official or city employee. There shall be a public comment period for any individual proposed for membership on the Board of Ethics and Campaign Practices by the Mayor, the Council and for the seventh member selected by the Board. The name and resume of any individual proposed for membership shall be posted on the city's website at least two weeks prior to the date when final action is taken to appoint that individual. Any person shall be allowed to submit comments about the proposed member by written submission, electronically or otherwise, to the City Clerk. The members of the Board of Ethics and Campaign Practices shall receive at least six hours of training prior to acting in the capacity of a Board member. The training shall be

provided by the City Attorney and shall cover the ethical responsibility of Board members and the content of the Code of Ethics and the Election Code as those codes relate to the duties of the Board. The training requirement shall not apply to any current Board member, who shall continue to serve their unexpired term, or to any Board member reappointed at the end of a term.

(b) All members shall serve terms of four years, and be eligible for reappointment for additional terms. Terms are staggered and shall continue with the same term cycle as currently exists. Any vacancy shall be filled for an unexpired term by the same authority who made the original selection and appointment of the member vacating his or her position.

(c) No violation of the Code of Ethics shall be found by the Board of Ethics and Campaign Practices except upon the concurrence of a majority of the Board.

(d) The Board shall have the authority to issue administrative subpoenas to compel witnesses to testify and produce documentation before the Board. The Board may promulgate rules and regulations establishing procedures for issuance of subpoenas. The Board may request the City Attorney to enforce such subpoenas in a court of proper jurisdiction.

(e) The Board may issue to candidates and officials advisory opinions concerning the Code of Ethics and the Election Code. A request for an advisory opinion and the opinion approved by the Board shall become public records at the time the Board votes on such opinion. Advisory opinions shall only concern prospective matters. Specifically, no advisory opinion shall be issued with respect to an event that has already occurred. Advisory opinions shall only be issued with respect to conduct in which the requestor of the opinion intends to engage. No advisory opinion shall be given unless approved by four members of the Board. Approved opinions shall be kept as permanent records by the City Clerk. The Board may promulgate rules and regulations establishing procedures for issuing advisory opinions and limitations on the use of advisory opinions as a defense to violations of the Code of Ethics or the Election Code. The Board may issue consent orders and may promulgate rules and regulations establishing procedures of issuance of consent orders.

(f) A Board member who has participated in any hearing on a case concerning a complaint alleging a violation of the Code of Ethics or the Election Code

shall continue to serve as a Board member on such case until the completion of the case, regardless of the expiration of that Board member's term, but only when the Board has voted on a matter concerning the case or accepted evidence in the case prior to the expiration of the term of such Board member. A replacement Board member shall not serve on such cases.

(g) Board members shall not hear complaints involving candidates or Measure Finance Committees to which they have contributed or have participated in their campaign activities nor shall they hear cases involving complaints concerning candidates and Measure Finance Committees who are in opposition to the candidates or Measure Finance Committees to which the Board member contributed or participated in their campaign activities.

(Am. Ord 35-1975; Am. Ord. 77-1978; Am. Ord. 91-1980; Am. Ord. 24-1981; Am. Ord. 34-2006)

Section 4. CONFLICT OF INTEREST.

(a) No official of the city shall knowingly:

1. Disclose or use confidential information concerning the property, government or affairs of the governmental body by which that official is employed or of which the official is a member without proper authorization in order to advance the direct or indirect private financial or other private interests of said official or others;

2. Vote or otherwise participate in the negotiation or the making of any contract with any business or entity in which the official has a direct or indirect private financial interest;

3. Represent private interests in any action or proceeding before the governmental body by which the official is employed or of which the official is a member or any appeal of a decision of such body;

4. Accept any valuable gift, whether in the form of service, loan, thing or promise, from any employee of or applicant for employment with the City of Albuquerque or from any person, firm or corporation which to the official's knowledge is interested directly or indirectly in any manner whatsoever, in business dealings with the governmental body by which the official is employed or of which the official is a member, including donors who are unidentified; provided, however, that this subsection shall not be read as

prohibiting an incumbent candidate for any elective office from receiving duly disclosed campaign contributions in accordance with the provisions of Article XIII of this Charter or an official who is a candidate for a non-city office from receiving campaign contributions for that non-city office.

(b) No member of the City Council shall:

1. During the term for which he or she was elected, be appointed to or selected for any paid office or employment with the city, nor shall he or she within one year thereafter be appointed to any paid city office or employment which the city created, or the emoluments of which first were established or were increased during such term; nor shall any member of the City Council during the term for which he or she was elected nor within one year thereafter, be interested directly in any contract with the city, which was authorized by any law passed during such term;

2. During their term of office participate in any debate or vote on any matter which will likely result in any benefit to the member which benefit is greater than the benefit to the public in general. A benefit for purposes of this paragraph shall mean a financial benefit or a benefit conferred by the City Council member's employer as a direct result of the member's participation in the matter.

(c) *Disqualification.* An official is disqualified from participating in a matter when: (1) the official has or is in the process of acquiring a direct interest in an enterprise which would be affected by the official's vote on proposed legislation, unless the interest is common to all members of a profession or occupation of which the official is a member or the general public or a large class of the general public, (2) the official benefits financially from a direct or indirect interest with a person whom the official knows has an interest in an enterprise or interest that would be affected by the official taking any action, (3) the official benefits financially from a direct interest with a person who is lobbying for the purpose of influencing any action, or (4) the official solicits, accepts, or agrees to accept a loan, other than a loan from a commercial lender in the normal course of business, from a person who would be affected by or has an interest in an enterprise which would be affected by the official's participation in any action.

(Am. Ord. 35-1975; Am. Ord. 29-1976; Am. Ord. 91-1980; Am. Ord. 23-1988; Am. Ord. 33-1989; Am. Ord. 34-2006)

Section 5. DISCLOSURE.

(a) An official of the city who shall have any private financial interest in any contract or other matter pending before or within the governmental body of which the official is employed or of which the official is a member, shall disclose such private financial interest to the governmental body.

(b) Any Councillor 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 Councillor from debating and voting on the matter. A majority of the remaining members of the Council shall determine whether a Councillor has a direct or indirect interest and whether the Councillor shall be allowed to participate in the decision making process related to the matter and vote on the matter. A Councillor who has a conflict of interest may voluntarily decline to participate in the decision making process related to the matter and vote on such matter.

(c) The Mayor and each City Councillor, during their term of office, shall file disclosure statements on January 15, April 15, July 15, and October 15 of each year setting out all contributions and expenditures, as defined in the City Election Code, during the previous quarter, raised or spent in connection with any campaign or pre-campaign activity for any elected office. Expenditures of public funds in the regular course of the Mayor or Councillor's official duties are not contributions and expenditures subject to such disclosure under this section. The Mayor and Councillors are not required to file a quarterly statement if there have been no campaign or pre-campaign contributions or expenditures during the previous quarter by or for the particular Mayor or Councillor. These reporting requirements shall be in addition to the reporting requirements of the Election Code, provided that any information filed with the City Clerk pursuant to City Charter Article XIII, Section 4(c) need not be included in the subsequent quarterly reports required in this section. The contributions and expenditures identified in quarterly statements that are to be applied to a campaign for election to a city office shall be included in the first campaign disclosure report that the candidate files pursuant to the Election Code.

(d) All elected officials shall file with the City Clerk an annual statement listing all of the changes or

additions to the disclosure information provided by the elected official at the time of filing his or her declaration of candidacy, pursuant to Section 3 of the Election Code. If no changes have occurred, the elected official shall so state in the annual statement. The annual statement shall be due on the first city work day of July and shall be submitted on a form approved by the City Clerk. The annual statement shall be a public record. (Am. Ord. 35-1975; Am. Ord. 91-1980; Am. Ord. 24-1981; Am. Ord. 13-2003; Am. Ord. 34-2006) (Amended at Regular Municipal Election, October 2, 2001; as Proposition #10.)

Section 6. USE OF PUBLIC PROPERTY.

No official of the city shall use property, owned by any governmental body or funds of any governmental body, for personal benefit, convenience or profit, except in accordance with policies promulgated by the Council. This prohibition includes the use of city property or funds to advertise or promote the campaign of any official, except as provided in this section. Use of city property to promote a campaign is limited to areas made available to all candidates for public office, including public areas, areas used for public meetings and such city facilities that are designated as meeting space that is available to all candidates for public office. No campaign activities shall be conducted in those portions of city facilities that are dedicated as work areas for city employees. Officials are prohibited from using any method of communication paid for with city resources, including but not limited to public service announcements, signage, official websites or mail during the three months prior to their election date, if such advertising states or implies personal responsibility of the official for any city accomplishment. Officials are prohibited from using any method of communication paid for with city resources, including but not limited to public service announcements, signage, official websites or mail if such communication is in a form that would be reasonably mistaken for the campaign materials of the official because of the similarity of design, content or graphics being used in the campaign. (Am. Ord. 34-2006)

Section 7. MISUSE OF CITY EMPLOYEES IN CAMPAIGNS.

No official shall participate in the following types of political activity:

(A) Using his or her position or employment with the city to influence support of employees of the city for or against any candidate, issue or Measure Finance Committee or other similar organization in any election or pre-election activity; provided, however, that nothing herein shall deny the right of an official of the city to express his or her views on any issue.

(B) Accepting and/or soliciting campaign contributions for any candidate or Measure Finance Committee or other similar organization in any election or pre-election activity, during working hours, at a city workplace or in the scope of their city employment.

(C) Accepting and/or soliciting contributions for the benefit of a city employee or official for political purposes during working hours, at a city workplace or in the scope of his or her city employment.

(D) This section shall not apply to electioneering communications, provided that no electioneering communications may be sent to a city employee at his or her place of work by leafleting, mail, phone, e-mail or by other electronic communication.

(E) No adverse employment action shall be taken against any employee for reporting to the Board of Ethics and Campaign Practices any violation of this section, including but not limited to direct solicitation. (Ord. 34-2006)

Section 8. ENFORCEMENT; VIOLATION; PENALTY; AUTOMATIC FINES; REMOVAL FROM OFFICE; APPEAL.

(a) Any charge of violations of this Code of Ethics shall be brought before the Board of Ethics and Campaign Practices. Any private citizen may initiate such a charge in accordance with regulations established by the Board of Ethics and Campaign Practices.

(b) Should the Board find, after due hearing, that a violation has occurred, it may make a public reprimand or impose a fine of not to exceed \$500 for each violation or do both.

(c) Automatic Fines. Notwithstanding subsection (b) of this section, a failure of an elected official to file a quarterly report required in Section 5 of this Code of Ethics or the filing of a false report shall subject the elected official to an automatic fine according to the

schedule of fines established in the Rules and Regulations of the Board and a public reprimand. The Board may establish in its Rules and Regulations additional automatic fines for the failure of an elected official to file a report or correct a report after the initial determination by the Board that the elected official failed to file a report or that the report was false. In situations where there is an incomplete filing, the elected official shall be notified by the City Clerk that the quarterly report is incomplete. The elected official shall have ten days from the date of notice to complete the quarterly report. If the incomplete quarterly report is not completed within ten days, the elected official shall be subject to an automatic fine according to the schedule of fines established in the Rules and Regulations of the Board and a public reprimand. If the report is completed within ten days and the Board determines from the face of the filings that any omissions in the report were inadvertent and made in good faith, the Board shall find that there has been no violation. The City Clerk shall issue all automatic fines required in this subsection, subject to the appeal procedures established in the Rules and Regulations of the Board.

(d) In addition to imposing such sanctions, or as an alternative thereto, the Board may recommend to the Council that an appointed or employed official be suspended or removed from office or that an elected official be removed from office.

(e) The Council may, upon the recommendation of the Board of Ethics and Campaign Practices, and after due hearing of the charge, order the suspension or removal of an appointed or employed official, or the removal of an elected official; provided, however, that no official shall be removed or suspended except upon the concurrence of two-thirds of the Councillors qualified to vote thereon.

(f) An appeal may be taken from any findings and action of the Board pursuant to Subparagraph (b) of this Section, and from any order of the Council pursuant to Subparagraph (d) of this Section, to the District Court of the 2nd Judicial District, by filing Notice of Appeal in the said District Court within 5 days of the date of the action or order appealed from, and by filing with said District Court within 30 days a true transcript and record of the proceedings upon which said action or order is based. The hearing in the District Court shall

be held on the said transcript and record only, and new testimony shall not be taken.

(Am. Ord. 35-1975; Am. Ord. 24-1981; Am. Ord. 34-2006; Am. Ord. 44-2007; Amended at a Special Election held in conjunction with a Regular Municipal Election, October 5, 1999, as Question #12.)

Section 9. INVESTIGATION.

(a) The Board may choose to ask for an investigation of allegations brought before it rather than simply hearing charges; to do this, it may temporarily employ or contract with investigators and require investigation by city staff assigned to the Board or by the Office of Internal Audit and Investigations upon acceptance of the complaint after holding a preliminary hearing. The Board shall direct and limit the scope and nature of all such investigations. No such investigation shall be undertaken unless it is specifically authorized and defined by the Board. For the purposes of this section, the term "allegations" means both any formal charges filed with the Board or initiated by the Board and other information raising a substantial question related to compliance with the Code of Ethics or the Election Code, which information at least four members of the Board vote to investigate. Such investigation may relate to violation of the Code of Ethics or the Election Code.

(b) In retaining an investigator, the Board of Ethics and Campaign Practices shall not be bound by procedures of the City of Albuquerque which would otherwise apply to selecting a contractor or employee. The Board shall adopt its own procedures, consistent with good administrative practices.

(c) All officials and contractors of the City of Albuquerque shall furnish the Board of Ethics and Campaign Practices or its investigator with requested information and records within their custody which are germane to an investigation authorized by the Board. Officials and contractors may be required to appear as witnesses in hearings concerning ethics or campaign practices charges heard by the Board.
(Ord. 31-1989; Am. Ord. 34-2006)

Section 10. NON-WAIVER OF PENALTIES.

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

(Am. Ord. 24-1981; Am. Ord. 31-1989; Am. Ord. 34-2006)

Section 11. REGULATIONS.

The Board of Ethics and Campaign Practices shall have the authority to establish reasonable rules and regulations for its conduct and for explanation and interpretation of the Code of Ethics.

(Am. Ord. 24-1981; Am. Ord. 31-1989; Am. Ord. 34-2006)

Section 12. AMENDMENTS.

The above Code of Ethics may be amended without requiring compliance with Article VI of this Charter by ordinance adopted by a majority of the entire membership of the Council plus two additional members thereof voting in favor of such amendment or amendments and said ordinance being otherwise governed by Article XI of this Charter.

(Article XII adopted at Special Election, February 26, 1974 as part of Proposition #1) (Am. Ord. 35-1975; Am. Ord. 29-1976; Am. Ord. 77-1978; Am. Ord. 91-1980; Am. Ord. 24-1981; Am. Ord. 31-1989; Am. Ord. 34-2006)

ARTICLE XIII. ELECTION CODE

Editor's note: Ord. 46-1975, as amended by Ord. 63-1977, Ord. 77-1978 and Ord. 24-1981, set forth the previous Election Code, which has been replaced in its entirety by Ord. 17-1993.

Section 1. DECLARATION OF POLICY.

Public disclosure and regulation of certain campaign practices will serve to increase public confidence in the integrity of government by informing the public of the qualifications of a candidate for elective office and of the possible sources of influence upon that candidate and of the financing of a campaign to influence the passage or defeat of a measure. The principle that the candidate assumes ultimate and complete responsibility for the conduct of the campaign is therefore incorporated into this Charter and shall be implemented according to this Election Code.

(Ord. 17-1993)

Section 2. DEFINITIONS.

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

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

(c) "Campaign Materials" means any published, printed or broadly distributed campaign advertising or communications such as newspaper advertisements, handbills, petitions, circulars, letters, radio or TV broadcasts, cable distributions, electronic or telephonic transmissions or similar written material used in a campaign by a candidate or a Measure Finance Committee.

(d) "Candidate" means any individual who has (1) obtained a nominating petition from the City Clerk pursuant to Section 4(c)1.D. of this Election Code for the office of Mayor or Councillor, (2) filed an affidavit on a form approved by the City Clerk, stating that he or she is a candidate for either the office of Mayor or City Councillor or (3) filed as a candidate for elected office as required by law, whichever first occurs.

(e) "Candidate Finance Committee" consists of the candidate, the candidate's treasurer, and any person authorized either expressly or by implication by the candidate to participate in the solicitation, receipt,

expenditure, or employment of contributions on behalf of the candidate. "Member of the Candidate Committee" means any such person.

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

(g) "Contributions" means:

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

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

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

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

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

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

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

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

(k) "Person" means any individual, cooperative association, club, corporation, company, firm, partnership, joint venture syndicate, profit or nonprofit organization, or other entity.
(Ord. 17-1993; Am. Ord. 45-2003; Am. Ord. 34-2006)

Section 3. DISCLOSURE WITH DECLARATION OF CANDIDACY.

Each candidate shall file with the Board, within two days of filing the Declaration of Candidacy with the City Clerk, a notarized statement, signed by the candidate under oath, setting forth a listing of the candidate's memberships and positions, if any, in professional organizations, and any source of income that accounts for 5% or more of the candidate's total income, and any known present business relationships the candidate has or may have with the city, and any and all real estate interests held by the candidate within Bernalillo County, excluding the candidate's home.
(Ord. 17-1993; Am. Ord. 32-1999)

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 shall not be the candidate.

(b) *One Bank Account — Filing Requirements.*

1. Each candidate or the candidate's treasurer and each Measure Finance Committee shall establish one and only one campaign bank checking account for each election. All parties having signature authorization for the checking account, the checking account number, and the bank branch name shall be registered with the Board upon filing a Declaration of Candidacy or formation of a Measure Finance Committee.

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

3. Each candidate and each Measure Finance Committee shall file with the bank at which the campaign checking account has been established a letter authorizing the release of information concerning that account to the Board and shall submit a copy of the letter of authorization to the Board. Upon the request of the Board, each candidate, the candidate's treasurer, or the chairperson or treasurer of each Measure Finance Committee shall provide to the Board all bank records, cancelled checks, and any other financial information relating to the campaign as may be requested by the Board.

(c) *Disclosure of Campaign Financing.*

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

A. The total of all contributions, which shall include all contributions received, regardless of whether the contribution has been deposited in the candidate's or Measure Finance Committee's campaign bank checking account. A contribution is deemed received when a candidate or a Measure Finance Committee or any agent of a candidate or a Measure Finance Committee receives a contribution or the benefit of the services donated.

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

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

D. A person seeking to qualify to be on the ballot for the office of Mayor or Councillor shall include any person who has obtained a nominating petition form approved by the City Clerk. The City Clerk shall issue an approved nominating petition only to the person seeking to be on the ballot. Such approved nominating petition forms shall state the name of the person and the city office for which such person is petitioning to qualify to be on the ballot. People who have sought to be on the ballot as described above, but who do not qualify for the ballot or do not file a declaration of candidacy are required to file as provided in this section on the Friday of the twelfth week preceding the election and to file a final report on or before the Friday of the fourth week preceding the election.

E. Within 48 hours of the receipt of a statement listing campaign contributors, or as soon thereafter as reasonably possible, the Purchasing Office shall determine if any contributor has business dealings with the city. For the purposes of this section, a person is deemed to have business dealings if the person or in the case of an individual, the contributor's principal

business or the contributor's employer has received \$20,000 or more pursuant to a contract with the city in the 24 months prior to the date of contribution. The Purchasing Office shall immediately notify the City Clerk of any campaign contributors who have business dealings with the city and the City Clerk shall post that information (including: contribution amount, recipient and business relationship) on the city's website.

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

G. In addition to other campaign disclosure requirements of the Election Code, a candidate shall designate in his or her disclosure reports those contributors who have contracts pursuant to which they receive funds from the employer of the candidate if the candidate was solely or partially responsible for the recommendation or award of the contract or for the administration of the contract. The City Clerk shall post this designation separately from the other contributions on the city's website.

2. The six statements required by this subsection shall be filed as follows: the first statement on the Friday of the twelfth week preceding the election; the second statement on the Friday of the fourth week preceding the election; the third statement on the Friday immediately preceding the election; the fourth statement on the Monday immediately preceding the election, the fifth statement on the seventh day following the election; and the sixth and final statement not earlier than the seventh day nor later than the forty-fifth day after the election. Each statement shall be filed with the Board no later than noon on the specified day.

3. Exception to First Filing by Measure Finance Committee. Inasmuch as this subsection requires that the first statement be filed not later than on the Friday of the twelfth week preceding the election, and a Measure Finance Committee might in fact come into existence after such date, in these instances the Measure Finance Committee will be excused from filing its first statement on the date specified by this Election

Code but will act as follows: A Measure Finance Committee formed between the twelfth week preceding the election and the Friday four weeks preceding the election shall file its first statement as soon as possible after the Committee has been formed, but not later than five days after it has complied with the requirements of Section 6 of this Election Code. Measure Finance Committees shall otherwise comply in all respects with the requirements of this Election Code. A Measure Finance Committee formed after the Friday four weeks preceding the election shall file its first statement at the time it registers with the City Clerk, notwithstanding any other time allowed for filing in this Election Code, and shall file all subsequent statements at the times required in Section 4 (c) of this Election Code.

(d) *Limits to Campaign Financing.* No candidate shall allow or accept contributions or make expenditures in excess of the following for any election:

1. To a candidate for the office of Councillor, contributions or expenditures equal to twice the amount of the annual salary paid by the City of Albuquerque to Councillors as of the date of filing of the Declaration of Candidacy.

2. To a candidate for the office of Mayor, contributions or expenditures equal to twice the amount of the annual salary paid by the City of Albuquerque to the Mayor as of the date of filing of the Declaration of Candidacy.

(e) *Limits to Contributions.* No candidate shall, for any one election, allow total contributions from any one person with the exception of contributions from the candidate himself or herself of more than 5% of the annual salary for such office at the time of filing the Declaration of Candidacy.

(f) *Ban on Contributions from Business Entities and City Contractors.* No candidate shall accept a contribution in support of the candidate's campaign from any corporation, limited liability company, firm, partnership, joint stock company or similar business entity or any agent making a contribution on behalf of such a business entity. No candidate shall accept a contribution in support of the candidate's campaign from any person, other than a City employee, who at the time of the contribution is in a contractual relationship with the City to provide goods or services to the City. The remedy for an unknowing violation of this subsection shall be the return of the contribution.

(g) *Unexpended Contributions.* Any contributions not expended on the campaign shall be disposed of, at the option of the candidate, by one of the following methods:

1. Retained in the campaign bank checking account for a possible runoff election for that office,
2. Returned to the person who made the contribution,
3. Placed in the City's General Fund, or
4. Given to a charity identified by the candidate.

The fourth and final campaign financing statement shall reflect the final disposition of such contributions.

(h) *Anonymous Contributions.*

1. All anonymous contributions shall be disposed of by a candidate or the chairperson of a Measure Finance Committee either by placing the contribution in the City's General Fund or by giving the contribution to a charity.
2. An anonymous contribution shall not be considered to be a contribution to or expenditure of the campaign; however, a record of all anonymous contributions shall be kept by the candidate or the candidate's treasurer, or by the chairperson or treasurer of the Measure Finance Committee and the receipt and disposition of every anonymous contribution shall be reported to the Board, in writing, at the time the campaign financing disclosure statements required by subsection (c) of this section are filed. Such report must disclose the goods, services, moneys, or other contributions received, its value, the date of receipt and the date and method of disposition.

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

(Amended at Regular Municipal Election, October 2, 2001, as Proposition #9.)

(j) *Campaign Finance Records.*

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

2. Campaign Financial Records.

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

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 period between noon on the Friday immediately preceding the election and the day of the election, each candidate or the candidate's treasurer, and the chairperson or treasurer of each

Measure Finance Committee, shall appear before the Board at a time and place designated by the Board. The appearance of the candidate's treasurer or the Committee's treasurer before the Board on the candidate's or Committee's behalf does not relieve the candidate or the Committee's chairperson of the ultimate and complete responsibility for the accuracy of all reports filed and the control of the candidate's or Committee's campaign. At the designated time and place, the campaign financial records of each candidate and each Measure Finance Committee required through the second statement pursuant to Section 4 of this Election Code shall be submitted to the Board for inspection and audit, or both. Each candidate and the chairperson of each Measure Finance Committee shall be given at least three days written notice of the designated time and place.

(k) *Fund-Raising Activity.*

1. 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.

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

(l) *Measure Campaign Financing.* Any person or group which has contributed in excess of thirty percent of the Mayor's salary to support or oppose a measure shall have the name of such person or group inserted into the name of the Measure Campaign Committee to which the funds were contributed or shall create a new committee with the name of the contributor in the committee name. It is the obligation of the Measure Finance Committee to immediately inform the Board of the Committee's required name change; the Committee shall simultaneously report the amount of the contribution which triggers the name change. For the purposes of this subsection, "Mayor's salary" means the salary paid by the City of Albuquerque as of the date of the contribution; support or oppose a measure covers qualification for the ballot plus voter approval or disapproval of a given measure.

(Ord. 17-1993; Am. Ord. 32-1999; Am. Ord. 16-2002; Am. Ord. 13-2003; Am. Ord. 34-2006; Amended at Regular Municipal Election, October 2, 2007.)

Section 5. CAMPAIGN MATERIALS.

Each candidate and each chairperson of each Measure Finance Committee shall ensure that all campaign materials specify the name of the sponsor who authorized the printing or distribution of such material and the name and address of the establishment that printed or otherwise created the campaign materials; provided, that the name and address of the printing establishment is not required to

be specified in a newspaper advertisement. Each candidate and each chairperson of each Measure Finance Committee shall also ensure that a copy of each campaign material used in the campaign is promptly filed with the Board upon such material being printed or distributed.
(Ord. 17-1993)

Section 6. MEASURE FINANCE COMMITTEES.

(a) Each Measure Finance Committee shall register with the City Clerk within five days of formation by preparing and filing with the Board a statement, signed by the chairperson of the Committee, setting forth:

1. The exact name of the Committee;
2. The official address and phone number of the Committee; and
3. The names of the officials of the Committee.

(b) When knowledge is received of the formation and existence of any Measure Finance Committee, the Board shall furnish to the chairman, moderator, or head (however designated; herein referred to as the "chairperson") of such committee, and also the fund-raising member thereof (however designated), if known, a copy of this Election Code and the Rules and Regulations of the Board, and call attention to the requirements for reporting contributions and expenditures by the Measure Finance Committee as provided for in this Election Code. Within five days from receipt of said notification from the Board, the Measure Finance Committee shall prepare and file with the Board a statement, signed by the chairperson of the Committee, setting forth:

1. The exact name of the Committee;
2. The official address and phone number of the Committee;
3. The names of the officials of the Committee; and
4. Acknowledgement of receipt of a copy of this Election Code and the Board's Rules and Regulations and of the requirements regarding filing of reports.

(c) It is recognized that an affirmative duty rests on the officials of any such Measure Finance Committee to be aware of the provisions of this Election Code, and nothing contained in this Section shall exempt a Measure Finance Committee from filing its statement of formation or existence as required herein at the earliest possible date. Failure to so file according to the provisions of subsection (a) of this section shall subject the Committee to a fine not to exceed the maximum amount authorized by state law or public reprimand or both as provided in the Board's Rules and Regulations. Accordingly, such officials are enjoined to prepare and file the statement specified in subsection (a) of this section without such a request from the Board. In instances where such statement is filed spontaneously by the Committee, and complies with subsection (a) of this section, the Board is excused from providing the notification specified in subsection (b) of this section.
(Ord. 17-1993)

Section 7. FAMILIARITY WITH ELECTION CODE AND RULES AND REGULATIONS.

The Board shall have available on request by candidates and chairpersons of Measure Finance Committees, copies of the Board's Rules and Regulations and the City Charter of Albuquerque, revised to date, and require that each candidate filing a Declaration of Candidacy and each chairperson of a Measure Finance Committee acknowledge in writing receipt of and familiarity with the terms of this Election Code and the Board's Rules and Regulations. Each candidate and chairperson shall furnish an address and phone number at which the candidate or chairperson can be reached, and to which communications, including notifications of alleged violations or hearings, can be mailed or delivered, and agreeing that notice left at such address shall be deemed received by the candidate or chairperson.
(Ord. 17-1993)

Section 8. PRESERVATION OF RECORDS.

(a) The records and statements required by this Election Code shall be preserved intact as public records by the Board for a period of at least seven years after the election in question.

(b) All records of the Board in the conduct of its business, including minutes of meetings and recommendations to the City Council and Mayor, shall be preserved intact as permanent public records by the Board.
(Ord. 17-1993)

Section 9. RULES AND REGULATIONS, ASSISTANCE[; CAMPAIGN AND ELECTION AUDITOR].

(a) The Board shall promulgate reasonable Rules and Regulations for its conduct and in aid of interpretation and enforcement of this Election Code, and amend such Rules and Regulations as it may, from time to time, deem advisable; provided, that amendments to said Rules and Regulations shall not be made by the Board during the ninety days preceding an election. The current Rules and Regulations of the Board shall be made available in published form no later than sixty days prior to any election.

(b) There is hereby created the position of Campaign and Election Auditor. The Auditor shall be either a Certified Public Accountant or a Registered Public Accountant and shall:

1. Be retained by the Board as an independent contractor to serve from the established date of filing of the Declaration of Candidacy for each election until ninety days following the specified final date set forth for filing of the final statement on disclosure of campaign financing; provided, that the Board in its discretion may retain the services of the Auditor at other times including elections in which only measures are to be placed on the ballot.

2. Monitor all disclosure statements to examine the accuracy and compliance by the person filing such statements with the provisions of this Election Code and with any Rules and Regulations promulgated by the Board, and provide such other services as may be required by the Board.

3. At the direction of the Board, be available to assist candidates and Measure Finance Committees in connection with this Election Code and with any

Rules and Regulations promulgated by the Board, and provide such other services as may be required by the Board.

(Ord. 17-1993)

Section 10. ENFORCEMENT.

(a) *Charges of Violations.*

1. Any charge or charges that a candidate or the chairperson of a Measure Finance Committee or any other group has committed a violation of this Election Code or of the Rules and Regulations promulgated by the Board shall be made in writing, notarized and brought before the Board.

2. Each charge of any alleged violation shall specify the specific provision alleged to have been violated or a clear and concise statement of why the complainant believes a violation has occurred, and shall include documentation as to time, place, facts, and the names of any witnesses to the alleged violation. No charge shall be accepted unless the complaint is signed and unless the documentation referred to above, the statement of the provision alleged to have been violated, or the reason for the complaint, is presented at the same time the complaint is filed.

3. Except as provided in subsection (d) of this section, the Board shall give written notice of such charge or charges to the candidate or chairperson before taking further action.

(b) The Board, in its discretion, may establish a Complaint Committee to review the complaint for completeness, and the Complaint Committee shall either refer the complaint to the Board or reject the complaint and give written notice to the Board and the complainant of the reasons for the rejection. The complainant may appeal the Complaint Committee's rejection to the Board.

(c) Upon referral of any complaint by the Board, the Campaign and Election Auditor shall investigate the charge or charges and report to the Board.

(d) Notwithstanding any other provision in this section, the Board may, on its own initiative, initiate a charge or charges that a candidate or the chairperson of a Measure Finance Committee or any other group has committed a violation of this Election Code or of the

Rules and Regulations promulgated by the Board. In the event that inspection and/or audit of the candidates or Measure Finance Committees campaign financial records made pursuant to Section 4(i)3. results in a charge or charges against a candidate or Measure Finance Committee, written notice to the candidate or chairperson of the charge or charges shall not be required before the Board takes further action.

(e) Should the Board find, after due hearing, that a violation of this Election Code or the Rules and Regulations of the Board has occurred, it may, for each violation, issue a public reprimand or impose a fine not to exceed the maximum amount authorized by state law, or do both.

(f) *Automatic Fines.* Notwithstanding subsection (e) of this section, a failure to file or late filing shall subject the candidate or the chairperson of the Measure Finance Committee or any other obligated person, whichever may be the case, to an automatic fine and public reprimand according to the schedules established in the Rules and Regulations of the Board. In situations where there is an incomplete filing the candidate or the chairperson of the Measure Finance Committee shall be notified of the failure and shall have ten days from the date of notice to correct the failure. If the incomplete filing is not corrected within ten days there shall be an automatic fine and public reprimand. If the failure is corrected within ten days and the Board determines from the face of the filings that any failure appears to have been inadvertent and made in good faith, the Board shall find that there has been no violation.

(g) In addition to imposing such sanctions, or as an alternative thereto, and if the violator be a successful candidate in the election, the Board may recommend to the Council that the violator be removed from office.

(h) The Council may, upon the recommendation of the Board, and after due hearing of the charge, order the suspension or removal of an elected official; provided, however, that no official shall be removed or suspended except upon the concurrence of two-thirds of the Councillors qualified to vote thereon.

(i) An appeal may be taken from any findings and action of the Board pursuant to subsections (e) and (f) of this section and from any order of the Council pursuant to subsection (h) of this Section to the District Court of the Second Judicial District, by filing Notice of Appeal in the said District Court within five days of the

date of the action or order appealed from, and by filing with said District Court within thirty days a true transcript and record of the proceedings upon which said action or order is based. The hearing in District Court shall be held on said transcript and record only, and new testimony shall not be taken.

(j) All fines not timely paid shall be assessed interest at the maximum rate allowed by state law commencing on the thirty-first day following the date that the fine was imposed.

(k) Any fines collected under this section shall be placed into the City's General Fund.
(Ord. 17-1993; Am. Ord. 34-2006)

Section 11. NON-WAIVER OF PENALTIES.

Nothing herein set forth shall be construed to affect or otherwise diminish any penalties otherwise provided by law for violation of this Election Code or the Rules and Regulations promulgated by the Board, nor shall prevent the Board from bringing to the attention of the proper authority any alleged violation coming to its attention which may be subject to other penalties.
(Ord. 17-1993)

Section 12. AMENDMENTS.

This Election Code may be amended without requiring compliance with Article VI of this Charter by ordinance adopted by a majority plus two of the entire membership of the Council voting in favor of such amendment or amendments, and said ordinance being otherwise governed by Article XI of this Charter.
(Ord. 17-1993)

Section 13. REPRESENTATIVE INSPECTIONS.

(a) *Certification of Representatives.* All declared and certified candidates for municipal office, measure finance committee or committee or organization dedicated to turning out the voters on election day shall be entitled to designate representatives who may enter precinct polling places for the sole purpose of observing voter signature rosters. Each candidate, measure finance committee or committee or organization dedicated to turning out voters on election day shall request from the City Clerk the number of representative authorization passes that are wished for

use on election day. The authorization passes shall designate the name of the candidate, measure finance committee or committee or organization dedicated to turning out voters on election day and may be used at any precinct within the City Council district that a Councillor candidate is seeking or all districts for Mayoral candidates. The authorization passes may be used by those people designated by the candidate, measure finance committee or committee or organization dedicated to turning out voters on election day. The candidates' representatives' name need not appear on the authorization pass.

(b) *Access to Signature Rosters.* Candidate, committee and/or organization representatives who have received an authorization pass may enter the polling precincts to observe the voter signature rosters during the hours the polling place remains open to voters. Those representatives may observe the voter signature rosters at times and in a place and manner that the presiding election judge determines shall not interfere in the orderly and timely process of voting. Only members of the precinct board shall handle signature rosters. The precinct election judges shall facilitate the representatives in observing each page of the voter roster. No more than one representative for a particular candidate, committee or organization shall be present at a precinct at a time. Should representatives wish to observe the voter roster at the same time, the presiding election judge shall determine the manner in which such observation shall take place.

(c) *Orderly Conduct.* In the event a candidate, committee or organization representative is disorderly or fails to obey the instructions of a precinct election judge, the representative shall surrender his authorization pass and shall no longer be entitled to be present at the polling place as a representative.
(Ord. 40-2003)

Section 14. [PHOTO VOTER IDENTIFICATION REQUIRED].

When a voter approaches the election polling place seeking to vote, the voter must identify himself or herself audibly by name. The Municipal Election Clerk shall locate in the election rolls the name spoken and ask the individual seeking to vote for one current valid identification card containing the voter's name and photograph. Such photo identification card may include any card issued by a government agency, driver's

license, student identification card, commercial transaction card such as a credit or debit card, insurance card, union card, a professional association card or the voter identification card issued by the City Clerk. If the individual is unable to provide a photo identification card, he or she shall be allowed to vote on a provisional ballot, but only if he or she swears or affirms under penalty of perjury in an affidavit provided by the City Clerk that he or she is the registered voter listed on the voter registration rolls at the precinct at which he or she presented himself or herself to vote and provides his or her date of birth and the last four digits of his or her social security number. Provisional ballots shall be issued for no other reason than the failure to present photo identification. Provisional ballots shall be counted only by the Municipal Canvassing Board and only upon the voter's presentation to the City Clerk within the ten day canvassing period one of the photo identification cards described in this section. The Municipal Canvassing Board shall also verify that the voter who cast the provisional ballot was registered to vote for the election and did not vote elsewhere in the same election. If a voter who cast a provisional ballot under this section swears or affirms under penalty of perjury in an affidavit provided by the City Clerk within the ten day canvassing period that he or she has a religious objection to being photographed, such voter shall not be required to submit photo identification. The Municipal Canvassing Board shall otherwise verify that the provisional ballot was valid. The City Clerk shall develop and provide instructions for elections judges concerning the requirements of this Section and a method of complaint and resolution for individuals who feel they have been discriminated against by election officials' or the City Clerk's administration of this Section, in accordance with federal intimidation guidelines. Knowingly executing a false statement constitutes perjury as provided in Section 30-25-1 NMSA 1978 and voting on the basis of a falsely executed statement constitutes false voting as provided in Section 1-20-8 NMSA 1978. Voter photo identification cards shall be issued by the City Clerk without charge to any voter who presents any two of the following identification documents that show the name and address of the voter: a state issued identification card, social security card, student identification card, library card, insurance card, selective service card, union card, professional association card, utility bill, bank statement, government check or a paycheck. If the individual is unable to present any two of these documents to the City Clerk, then the voter shall swear or affirm in writing under

penalty of perjury that he or she is the registered voter and shall be issued a voter photo identification card upon confirmation with the County Clerk that such person is presently registered to vote. The City Clerk issued voter photo identification card shall state on its face that it shall not be valid for identification other than for the purpose of voting in City Elections and shall not be valid if the voter is subsequently purged from the voter rolls. The Municipal Canvassing Board shall certify the results of the Municipal Election by the end of the tenth day after the day on which the election is held. Pursuant to Article II, Section 2 (b) of the City Charter, this Section shall take precedence over the State Municipal Election Code. The provisions of this Section shall apply only to City of Albuquerque Municipal Elections.

(Section 14 adopted at Regular Municipal Election, October 4, 2005.)

ARTICLE XIV. SEVERABILITY

Section 1. NO IMPAIRMENT FROM PARTIAL INVALIDITY.

The provisions of this Charter are severable, and if any provision, section, clause, sentence, or part thereof is held to be illegal, invalid, unconstitutional, or inapplicable, to any person, persons, circumstances, situation, or otherwise, the illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining sentences, clauses, sections, articles, or parts of this Charter or their applicability to other persons, circumstances or situations.

(Adopted at Special Election, February 26, 1974 as part of Proposition #3.)

ARTICLE XV. COMPETITIVE BIDDING FOR ELECTRICAL FRANCHISES

The City of Albuquerque shall have no power to grant or extend any franchises, licenses or other rights to provide electricity to the public or to wholesalers unless the franchise, license or right has been awarded by competitive bid to the lowest cost suppliers. The total term of any franchise, license or right shall not exceed 25 years. The city shall have the power and the

mandatory duty to implement this Article through legislation. Such legislation shall maximize actual competition in the selection process, in fact as well as form. This Article shall not prohibit the grant of multiple franchises, licenses or rights for all or part of the city. (Article XV adopted at Runoff Election, November 1, 1989.)

ARTICLE XVI. OPEN AND ETHICAL ELECTIONS CODE

Section 1. [TITLE].

Sections 1 through 21 of this article may be cited as the "Open and Ethical Elections Code".

Section 2. LEGISLATIVE INTENT.

The intent of the Open and Ethical Elections Code is to:

(A) Avoid both actual undue influence of large campaign donors and the appearance of undue influence in Council and Mayoral elections and decision-making;

(B) Diminish the public perception of corruption and strengthen public confidence in the governmental and election process;

(C) Provide well-qualified candidates with adequate funding to mount campaigns to encourage competitive Council and Mayoral elections so that the City's residents have more choices about the leadership and direction of the City;

(D) Increase the accountability of elected officials to their constituents who elect them, as opposed to the contributors who fund their campaigns; and

(E) Insure that the City's Council and Mayoral election process is fair, responsible and ethical.

Section 3. DEFINITIONS.

As used in the Open and Ethical Elections Code:

(A) **APPLICANT CANDIDATE.** A candidate, but not a write-in candidate, running for a Covered Office and who is seeking to be a Participating Candidate.

(B) **CLERK.** The City Clerk.

(C) **CONTESTED ELECTION.** A regular municipal election in which there is more than one candidate for a City Council or Mayor position.

(D) **COVERED OFFICE.** City Council or Mayor.

(E) **ELECTIONEERING COMMUNICATION.** Any communication broadcasted by television or radio, printed in a newspaper or on a billboard, directly mailed or delivered by hand to personal residences or otherwise distributed that:

(1) unambiguously refers to any candidate; and

(2) is broadcasted, printed, mailed, delivered or distributed within thirty days before a regular municipal election; and

(3) is broadcasted to, printed in a newspaper distributed to, mailed to, delivered by hand to or otherwise distributed to an audience that includes members of the electorate for a Covered Office.

(4) **ELECTIONEERING COMMUNICATION** does not include:

(a) any news articles, editorial endorsements, opinion or commentary, writings or letters to the editor printed in a newspaper, magazine or other periodical not owned or controlled by a candidate or political party;

(b) any editorial endorsements or opinions aired by a broadcast facility not owned or controlled by a candidate or political party;

(c) any communication by Persons made in the regular course and scope of their business or any communication made by a membership organization solely to members of such organization and their families; or

(d) paid for by a candidate or candidate's campaign committee.

(F) EXPENDITURE. The payment or furnishing of money or anything of value or the incurring or repayment of indebtedness or obligation, by or on behalf of any Person, candidate or political committee in consideration for any services, supplies, equipment or other thing of value performed or furnished for any reason, including support of or opposition to a candidate, political committee or measure for or for reducing the debt of a Participating Candidate for nomination or election to a Covered Office.

(G) EXPLORATORY PERIOD.

(1) For Mayoral candidates, from January 1 through February 15; and

(2) For Council candidates, from March 15 through April 30.

(H) EXPRESS ADVOCACY. An Expenditure made by a Person or group, other than a candidate or a candidate's committee, that advocates the election or defeat of a candidate, including all costs of designing, producing or disseminating a communication that contains phrases such as "vote for", "re-elect", "support", "cast your ballot for", "[name of candidate] for [name of office]", "[name of candidate] in [year]", "vote against", "defeat", "reject" or similar phrases.

(I) FUND. The Open and Ethical Elections Fund.

(J) INDEPENDENT EXPENDITURE. Any funds spent on Express Advocacy or Electioneering Communications that are not coordinated with any candidate's campaign. The Clerk shall adopt regulations to determine whether funds spent on Express Advocacy or Electioneering Communications are coordinated Expenditures. Coordinated Expenditures on Express Advocacy or Electioneering Communications are treated as contributions.

(K) IN-KIND CONTRIBUTION. A good or service, other than money, having monetary value not to exceed more than 5% of the annual salary for such office at the time of filing the Declaration of Candidacy, but not including an individual who volunteers his own personal service.

(L) NONPARTICIPATING CANDIDATE. A candidate running for a Covered Office who does not choose to participate in the Open and Ethical Elections Code or a candidate running for a Covered Office who

declares an intent to participate in the Open and Ethical Elections Code, but who fails to become a Participating Candidate.

(M) OPPOSING FUNDS. Funds spent opposing a Participating Candidate. The amount of Opposing Funds is calculated by determining the opponent of the Participating Candidate who has the highest total of Expenditures and supportive Independent Expenditures; the amount of Opposing Funds is calculated by totaling the Expenditures made by that opponent, the amount spent on Independent Expenditures in support of that opponent and the amount spent on Independent Expenditures in opposition to the Participating Candidate. No Independent Expenditure may be counted as both opposing a Participating Candidate and in support of that candidate's opponent.

(N) PARTICIPATING CANDIDATE. A candidate running for a Covered Office who chooses to obtain financing pursuant to the Open and Ethical Elections Code and who is certified to participate as an Open and Ethical Elections Code Candidate.

(O) PERSON.

(1) a City resident;

(2) a labor organization, club, association or organization who have members who are City residents; or

(3) a corporation, limited liability company, firm, partnership, joint stock company or other entity conducting business in the City.

(P) QUALIFYING CONTRIBUTION. A donation of \$5.00 in the form of cash, check, debit card, credit card or money order payable to the Fund in support of an Applicant Candidate that:

(1) for the Mayoral race is made by a registered City voter and for a Council race is made by a registered City voter residing in the district in which the Applicant Candidate desires to represent;

(2) is made during the designated Qualifying Period and obtained through efforts made with the knowledge and approval of the Applicant Candidate;

(3) is acknowledged by a receipt that identifies the contributor's name and residential address

on forms provided by the Clerk and that is signed by the contributor, one copy of which is attached to the list of contributors and sent to the City Clerk; and

(4) identifies which Applicant Candidate the City resident supports.

(Q) QUALIFYING PERIOD.

(1) For Mayoral candidates, from February 16 through March 31; and

(2) For Council candidates, from May 1 through May 31.

(R) **SEED MONEY.** A contribution in support of an Applicant Candidate of no more than \$100 per Person, except for the Applicant Candidate who can contribute up to \$500.00, raised for the primary purpose of enabling Applicant Candidates to collect Qualifying Contributions and petition signatures the aggregate amount of which may not exceed 10% of the applicable spending limit.

**Section 4. TERMS OF PARTICIPATION -
DECLARATION OF INTENT.**

(A) An Applicant Candidate, choosing to obtain financing pursuant to the Open and Ethical Elections Code, shall file a declaration of intent with the Clerk to participate as an Applicant Candidate for a Covered Office. The declaration of intent shall be filed with the Clerk prior to or during the Qualifying Period according to forms and procedures developed by the Clerk.

(B) An Applicant Candidate shall submit a declaration of intent prior to collecting any Qualifying Contributions and make explicit in the declaration of intent that the Applicant Candidate has complied with and will continue to comply with the Open and Ethical Code's contribution and Expenditure limits and all other requirements set forth in the Open and Ethical Elections Code.

(C) An Applicant Candidate shall file a detailed contribution and Expenditure report regarding Seed Money and In-Kind Contributions with the Clerk at the time of filing a declaration of intent.

(D) The declaration of intent shall specify that the Applicant Candidate agrees that any money received

from the Fund shall not be used to retire a prior campaign debt from a previous election period.

Section 5. QUALIFYING CONTRIBUTIONS.

(A) An Applicant Candidate for Mayor shall obtain Qualifying Contributions from a minimum of 1% of registered City voters.

(B) An Applicant Candidate for Council shall obtain Qualifying Contributions from a minimum of 1% of the City voters registered in the district that the Applicant Candidate desires to represent.

(C) No payment, gift or anything of value shall be given in exchange for a Qualifying Contribution.

**Section 6. SEED MONEY-IN-KIND
CONTRIBUTIONS.**

(A) An Applicant Candidate may accept Seed Money during the Exploratory Period and Qualifying Period not to exceed \$100 per Person.

(B) An Applicant Candidate may contribute up to \$500 from the Applicant Candidate's personal funds for Seed Money.

(C) Seed Money that exceeds 10% of the applicable distribution to a Participating Candidate shall be deducted from the revenues distributed to the Applicant Candidate from the Fund.

(D) The aggregate amount of Seed Money received and spent by an Applicant Candidate shall not exceed an amount equal to 10% of the applicable distribution to a Participating Candidate.

(E) An Applicant Candidate may accept In-Kind Contributions from the beginning of the Exploratory Period up to the regular municipal election. The value of any In-Kind Contribution shall not count against the applicable limit on Seed Money contributions. The aggregate amount of In-Kind Contributions received by an Applicant Candidate shall not exceed an amount equal to 10% of the applicable spending limit.

(F) Volunteer work-hours are non-reportable and shall not count as In-Kind Contributions or against the applicable limit on Seed Money. An individual may

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

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

Section 7. CERTIFICATION OF PARTICIPATION.

(A) Upon receipt of a final submittal of Qualifying Contributions by an Applicant Candidate, the Clerk shall determine whether the Applicant Candidate has:

(1) signed and filed a declaration of intent to obtain fund revenue;

(2) submitted the appropriate number of Qualifying Contributions;

(3) qualified as a candidate pursuant to other applicable City and State election law;

(4) complied with Seed Money contribution and Expenditure restrictions; and

(5) otherwise met the requirements for obtaining financing pursuant to the Open and Ethical Elections Code.

(B) The Clerk shall certify Applicant Candidates running for Mayor, complying with the requirements of this section, as Participating Candidates on April 1 after final submittal of Qualifying Contributions. The Clerk shall certify Applicant Candidates running for Council, complying with the requirements of this section, as Participating Candidates on June 1 after final submittal of Qualifying Contributions.

(C) At the end of the Qualifying Period, an Applicant Candidate shall file Seed Money contribution and Expenditure reports with their application for certification as a Participating Candidate.

(D) A Participating Candidate shall comply with all requirements of the Open and Ethical Elections Code and applicable City and state election law after certification as a Participating Candidate and throughout the election cycle.

Section 8. GUIDELINES AND RESTRICTIONS FOR CONTRIBUTIONS TO AND EXPENDITURES OF PARTICIPATING CANDIDATES.

(A) All money distributed to a Participating Candidate shall be used for that Participating Candidate's campaign-related purposes in the election year in which the money was distributed.

(B) A Participating Candidate shall limit total campaign Expenditures and debts to the amount of money distributed to that Participating Candidate from the Fund plus any collected Seed Money. A Participating Candidate shall not accept contributions or loans from any other source.

(C) Within two weeks after the regular municipal election, a Participating Candidate shall return to the Clerk for direct deposit into the Fund any amount that is unspent or unencumbered by the date of the municipal election.

(D) A Participating Candidate shall not use revenues from the Fund for personal use including:

(1) salary or payment to an individual unless that individual is providing bona fide services to the campaign and is compensated at fair market value;

(2) admission to a sporting event, concert, theater or other form of entertainment unless part of a specific campaign activity;

(3) dues, fees, parking or gratuities at a country club, health club or other recreational facility unless the costs are part of a specific fundraising event;

(4) mortgage, rent or household utility payments for any part of a personal residence;

(5) purchases of household food items or supplies; or

(6) purchase of clothing, other than items of de minimus value used in the campaign.

(E) A Participating Candidate shall not use revenues distributed from the Fund to:

(1) contribute to any other candidate, political committee or measure;

(2) support or oppose any candidate, political committee or measure not in their race;

(3) use to repay any loans, debts or penalties;

(4) use to pay for consulting services to an individual unless the individual is providing bona fide services to the campaign and is compensated at fair market value; or

(5) use for out-of-state travel.

Section 9. CANDIDATE REPORTING REQUIREMENTS.

(A) The Clerk shall publish guidelines outlining permissible campaign-related Expenditures.

(B) Applicant Candidates shall file Qualifying Contributions with the Clerk during the Qualifying Period according to procedures developed by the Clerk. In developing these procedures, the Clerk shall use existing campaign reporting procedures and deadlines whenever practical.

(C) Participating Candidates shall also report Expenditures according to the campaign reporting requirements specified in the Election Code.

Section 10. FUND CREATION - FUND USE.

(A) There is created in the City Treasury the "Open and Ethical Elections Fund" solely for the purposes of:

(1) financing the election campaigns of Participating Candidates for Covered Offices;

(2) paying administrative and enforcement costs of the Open and Ethical Elections Code; and

(3) carrying out all other specified provisions of the Open and Ethical Elections Code.

(B) The City Treasurer shall invest the Fund as other City funds are invested and pursuant to Section 4-1-10 ROA 1994, and all income derived from the Fund shall be credited directly to the Fund. Within 30

days after the end of each fiscal year, the City Treasurer shall furnish the Mayor and Council a report of all investment activity of the past year in connection with the administration of the Fund. Remaining balances at the end of a fiscal year shall remain in the Fund and shall not revert to the general Fund.

(C) Money received from the following sources shall be deposited directly into the Fund:

(1) Qualifying Contributions that have been submitted to the Clerk;

(2) any recurring balance of unspent Fund money distributed to a Participating Candidate who does not remain a Participating Candidate through the municipal election period for which the money was distributed;

(3) money that remains unspent or unencumbered by a Participating Candidate following the date of the regular municipal election;

(4) Seed Money that exceeds 10% of the applicable spending limit; and

(5) additional money appropriated by the Council based on recommendations received by the Clerk and the City Attorney.

(D) One-tenth of 1% of the approved General Fund (Fund 110) appropriation shall be reserved in the Fund to fund Participating Candidates for the 2007 regular municipal election and subsequent regular municipal elections as provided in the Open and Ethical Elections Code.

(E) The Fund shall also be funded by voluntary contributions from members of the public. Money in the Fund is appropriated to the Clerk to carry out the purposes of the Open and Ethical Elections Code.

Section 11. DETERMINATION OF FUND AMOUNT.

(A) Once the Open and Ethical Elections Code is enacted, the Clerk shall prepare and provide to the Mayor and Council an annual report documenting, evaluating and making recommendations relating to the administration, implementation and enforcement of the Open and Ethical Elections Code.

(B) In the report, the Clerk shall set out the revenues received to date, the expected costs to the Fund for the next election cycle and the amount of any annual appropriation from the Council that will be required to meet this need.

Section 12. TIMING AND AMOUNT OF FUND DISTRIBUTION.

(A) Beginning with the election cycle that ends with the 2007 regular municipal election, the Clerk shall distribute money from the Fund to Participating Candidates. The Clerk shall distribute revenue as follows:

(1) For Mayoral candidates on April 1 of the year that a regular municipal election is held; and

(2) For Council candidates on June 1 of the year that a regular municipal election is held.

(B) The Clerk shall distribute the \$1.00 per registered City voter to Mayoral Participating Candidates and \$1.00 per registered City voter residing in the district in which the Participating Candidate desires to represent.

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

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

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

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

(2) the candidate shall still be required to abide by the spending limits set forth in the Open and Ethical Elections Code.

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

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

Section 13. INDEPENDENT EXPENDITURE DISCLOSURE REQUIREMENTS.

A Person making an Independent Expenditure in an amount of \$100 or more or in an aggregate amount of \$100 or more shall comply with Article XIII, Section 4 of the City Charter.

Section 14. ADJUSTMENTS TO FUND DISTRIBUTION.

(A) Once the certification of participation for Participating Candidates for a regular municipal election has been completed, the Clerk shall calculate the total amount of money to be distributed in the election cycle, based on the number of Participating Candidates and the allocations specified in Section 12 of the Open and Ethical Elections Code and shall then distribute the Fund revenue within two business days.

(B) If the allocation specified in Subsection A of this section is greater than the total amount available for distribution, then the amounts to be distributed to individual Participating Candidates shall each be reduced by the same percentage as the reduction by which the total amount needed has been reduced relative to the total amount available.

Section 15. RUN-OFF ELECTIONS.

(A) On the Friday after a municipal election when the election results are certified, the Clerk shall issue Fund revenue to each Participating Candidate involved in a runoff election in the following amounts:

(1) for Mayoral candidates \$0.33 per registered City voter; and

(2) for Council candidates \$0.33 per registered City voter residing in a Council district.

Section 16. MATCHING FUNDS - OPPOSING FUNDS.

During the course of a regular municipal election or a run-off election, when a Participating Candidate's Opposing Funds in aggregate amount are greater than the funds distributed plus any Seed Money spent to a Participating Candidate in the same race, then the Participating Candidate is entitled to receive matching funds in the amount that the Opposing Funds exceed the distribution from the Fund plus any Seed Money spent. Total Opposing Funds to a Participating Candidate in an election are limited to twice the amount originally distributed to that Candidate pursuant to Section 12 of the Open and Ethical Elections Code. If the allocation of Opposing Funds is greater than the total amount available for distribution, then the amounts distributed to a Participating Candidate shall be reduced by the same percentage as the reduction by which the total amount needed has been reduced relative to the total amount available.

Section 17. COMMUNICATION OF PARTICIPATION STATUS TO VOTERS.

Once a candidate is certified as a Participating Candidate, the Clerk shall publish a statement on the Internet that the candidate is a Participating Candidate who has agreed to the terms and conditions of the Open and Ethical Elections Code.

Section 18. ADJUSTMENTS FOR INFLATION AND POPULATION GROWTH.

The City Attorney and the Clerk shall review the dollar amounts specified in the Open and Ethical

Elections Code periodically. The City Attorney and Clerk shall recommend any necessary adjustments to reflect inflation or population change to the Council and Mayor to consider amendments to the Code.

Section 19. ADMINISTRATION - CLERK -- DUTIES.

(A) The Clerk with the assistance of the City Attorney shall adopt rules to insure effective administration of the Open and Ethical Elections Code.

(B) The rules shall include procedures for:

(1) qualifications, certification and disbursement of revenues and return of unspent Fund revenues;

(2) obtaining Qualifying Contributions;

(3) certification of a candidate's participation;

(4) collection of revenues; and

(5) return of Fund disbursements and other money to the Fund.

(C) The Clerk shall provide the public with educational materials relating to the provisions of the Open and Ethical Elections Code.

Section 20. APPEALS.

The procedure for challenging a certification of participation decision or a determination whether a Participating Candidate is eligible for matching Funds by the Clerk is as follows:

(A) A Person aggrieved by a certification of participation decision or a decision regarding the distribution of matching Funds may appeal to the Clerk within three days of the decision. The appeal shall be in writing and shall set forth the reasons for appeal;

(B) within five days after an appeal is properly made, and after due notice is given to the parties in dispute, the City Hearing Officer shall hold a hearing whereby:

(1) the appellant has the burden of providing evidence to demonstrate that the Clerk's decision was improper; and

(2) the City Hearing Officer shall rule on the appeal within three days after the completion of the hearing;

(C) the parties in dispute may appeal the decision of the City Hearing Officer by commencing an action in district court pursuant to New Mexico Rule of Civil Procedure 1-074; and

(D) Participating Candidates whose certification of participation is revoked on appeal may be required to return to the Clerk up to all money distributed from the Fund. If the City Hearing Officer or court finds that an appeal was made frivolously or to result in delay or hardship, the City Hearing Officer or court may sanction the moving party by requiring the party to pay the attorney's fees and court costs of the administrative hearing, the court hearing and the opposing parties.

(E) For the purposes of this section, "parties in dispute" includes the City.

Section 21. PENALTIES - ENFORCEMENT.

(A) Each and every violation of the Open and Ethical Elections Code is a criminal violation subject to the provisions of Section 1-1-99 ROA 1994.

(B) The City Attorney shall enforce the Open and Ethical Elections Code.
(Article XVI adopted at Regular Municipal Election, October 4, 2005)



**APPENDIX A: NINE COUNCIL DISTRICTS IDENTIFIED
ACCORDING TO BERNALILLO COUNTY PRECINCTS
JUNE 2001**

District Precinct Numbers

No. 1	23	28	29	32	34	35	38	39	40	41	42	43
	44	49	50	52	53	54	55	73	76	88	90	91
	120											
No. 2	4	9	10	11	12	13	14	15	16	18	86	125
	150	151	152	153	154	161	162	163	164	165	166	180
	181	182	183	184	185	186	187	191	192	193	194	195
	196	197	346	347	431	432	433	435	436	437	438	442
	443	444										
No. 3	33	36	37	45	46	47	48	51	61	62	63	65
	72	93	94	95	96	98	101	102	103	104	105	106
	121	122	123	124	131	132	133	135	211	212	214	215
	216	217	221	223	224	225	226	241	242	243	246	257
	258	341	342	343	344	345	355	356	357	358		
No. 4	406	407	408	409	410	418	419	420	421	422	423	424
	425	426	427	439	440	447	481	482	484	485	486	487
	488	489	490	499	500	510	511	512	529	601		
No. 5	1	2	3	20	21	22	24	25	26	27	30	80
	81	82	83	84	85	87	89	111	112	113	114	

District Precinct Numbers

No. 6	107	244	245	251	252	253	254	255	256	271	272	273
	274	275	278	281	282	283	284	285	286	287	311	312
	318	321	322	323	326	327	351	352	353	381	382	383
	384	477	478									
No. 7	313	314	315	316	317	354	371	372	373	374	375	385
	386	387	400	401	402	403	404	405	411	412	413	414
	415	416	417	434	441	445	446	461	462	463	464	465
	466	471	472	473	474	475	491	492	493	494	495	496
	497	498	502	503	504	506	507	508	509	513	514	523
No. 8	302	303	307	428	429	430	449	450	451	452	453	454
	480	483	505	515	516	517	518	519	520	521	522	524
	525	526	527	528	530	537	538	540	548	560	561	562
	563	564	565	566	568	602						
No. 9	289	290	291	292	293	294	295	296	297	298	299	300
	301	304	305	306	308	328	329	330	331	332	333	476
	531	532	533	534	535	536	542	543	544	545	546	547
	549	550										

(Am. Ord. 35-1981; Am. Ord. 41-1981; Am. Ord. 28-1991; Am. Ord. 31-1991; Am. Ord. 21-1993; Am Ord. 26-2001)

HISTORICAL POSTSCRIPT

The City of Albuquerque as a community was established in 1706 with the founding of Old Town by the Spanish. In 1885, while New Mexico was still a territory of the United States, Albuquerque was chartered as a Town, and in 1891 Albuquerque was organized under Territorial laws as a city.

The Charter adopted pursuant to State Law, under which the City of Albuquerque government now operates, was adopted in 1917. It changed the system of government from a Mayor-Council (ward) system to a Commission-Manager system. The Charter was amended four times (July 22, 1919, October 7, 1919, February 15, 1966, and June 29, 1971) prior to the city's government being changed to the Mayor-Council form in 1974.

The July 22, 1919 amendment increased the number of City Commissioners from three to five and provided for the election of the added members within 60 days.¹ They were in fact chosen October 7, 1919, and their successors have been selected every four years thereafter.² Also at the October 7, 1919 election, two additional amendments were adopted, one concerning the method of filling vacancies on the City Commission created by a recall election and the other eliminating the provision concerning compensation of \$5 per week for each member of the City Commission.

At the Special Election, February 15, 1966, eight amendments, adding some new sections and repealing some other sections, were adopted as indicated in the parenthetical statements following the appropriate sections. These amendments were submitted to the electors of the City of Albuquerque upon recommendations made by a City Charter Study Committee appointed by the City Commission on July 6, 1965. Nine proposals had been made but one recommendation was rejected by the electors. The rejected proposal would have increased the number of City Commissioners from five to seven and changed the general election date to the first Tuesday of March in even-numbered years.³

On November 3, 1970, the State adopted a new constitutional provision popularly called the Home Rule

Amendment to the New Mexico State Constitution, compiled as Article X, Section 6. Subsequently, on December 7, 1970, the City Commission appointed a Charter Study Committee which made its final report on May 10, 1971. Its recommendations, consisting of five propositions, were submitted to the electors on June 29, 1971; of these propositions, three were adopted. The preamble and Article I providing for Home Rule were amended, a new provision (Article VIII) was adopted concerning human rights, and a new provision (Article IX) was added concerning the preservation of environment.⁴

Of the two proposed amendments which were not adopted, Proposition #2 would have changed the form of city government to a Mayor-Council type, would have established councilmanic districts, provided for the official salaries and would have made other changes. Proposition #5 would have permitted the City Council to establish subordinate governmental districts and provide an elective citizen council in each district with authority to act upon appropriate local matters.

It should be noted that the Charter Committee of 1971 proposed the title "City Council" for the existing City Commission. Since Propositions #2 and #5 failed while Propositions #1, #3, and #4 succeeded, the reader should recognize that "City Commission" and "City Council" refer to the same body.

On January 24, 1974, the City Commission submitted to the electors five proposed amendments which were voted upon at the Special Election, February 26, 1974. Three amendments were adopted by the electorate as indicated in the parenthetical statements following the appropriate sections. The amendments replaced the five-member, at-large City Commission which had governed the city since 1917 with a full-time Mayor as the city's chief executive and a nine-member, part-time districted City Council as the legislative arm of city government. The amendments also provided for an Election Code and a Code of Ethics.⁵

Of the two proposed amendments which were not

adopted, Proposition #4 would have added four at-large commissioners to the nine-member City Commission and Proposition #5 would have provided for partisan elections.

On August 4, 1975, the City Council submitted to the electors four proposed amendments to the Charter which were voted upon at the Regular Municipal Election October 7, 1975. All four amendments were approved by the electorate. The amendments removed all of the transitional language in the Charter relating to the shift from the Commission-City Manager form of government to the Mayor-City Council form of government, exempted certain contractual obligations relating to bonding from the initiative and referendum procedures, clarified the time limits relating to veto power and required candidates for Mayor and Councillor to obtain petitions in order to be placed on the ballot.⁶

On July 27, 1977, the City Council submitted to the electors a proposed amendment to the Charter which was voted upon at the Regular Municipal Election, October 4, 1977. The proposed amendment, which was not approved by the electorate, would have changed the annual salaries of the Councillors.⁷

On July 16, 1979, the City Council submitted to the electors three proposed amendments to the Charter which were voted upon at the Regular Municipal Election, October 2, 1979. All three proposed amendments were disapproved by the electorate. Proposition #1 would have required the Mayor to attend City Council meetings, Proposition #2 would have changed the annual salaries of the Councillors, and Proposition #3 would have increased the membership of the Council.⁸

On July 20, 1981, the City Council submitted to the electors two proposed amendments to the Charter which were voted upon at the Regular Municipal Election, October 6, 1981. Proposition #1, which was not approved by the electorate, would have changed the annual salaries of the Councillors. Proposition #2, which was adopted by the electorate, amended the provision relating to Council district boundary revisions.⁹

On July 18, 1983, the City Council submitted to the electors a proposed amendment to the Charter which was voted upon at the Regular Municipal Election, October 4, 1983. The proposed amendment, which was approved by the electorate, increased the number of signatures on petitions of persons desiring

to be candidates for Mayor or Councillor to be placed on the ballot.¹⁰

On August 5, 1985, the City Council submitted to the electors two proposed amendments to the Charter which were voted upon at the Regular Municipal Election, October 8, 1985. Both proposed amendments were disapproved by the electorate. Proposition #1 would have increased the salary of the Mayor and Proposition #2 would have changed the salaries of the Councillors to equal the salaries received by the Bernalillo County Commissioners.¹¹

On August 3, 1987, the City Council submitted to the electors a proposed amendment to the Charter which was voted upon at the Regular Municipal Election, October 6, 1987. The proposed amendment, which was not approved by the electorate, would have changed the annual salaries of the Councillors.¹²

A City Charter Review Task Force was established in July 1988 and in its final report, which was submitted on January 17, 1989, the Task Force recommended thirty-five amendments to the Charter. Subsequently, on June 19, 1989, the City Council submitted to the electors eight proposed amendments to the Charter which were voted upon at the Regular Municipal Election, October 3, 1989. The eight proposed amendments included twenty-nine of the thirty-five amendments recommended by the Task Force.

In addition, on August 7, 1989, the City Council submitted to the electors a proposed amendment to the Charter which was proposed by a petition filed pursuant to Article VI and which was voted upon at the Regular Municipal Election, October 3, 1989.

Five of the nine proposed amendments were adopted by the electorate as indicated in the parenthetical statements following the appropriate articles. The amendments amended Articles II, III, IV, V, VI, VII, X, XI, and XII.

Of the four proposed amendments which were not adopted, Proposition #3 would have increased the salaries of the Councillors, Proposition #5 would have increased the salary of the Mayor, Proposition #6 would have added a new article concerning open meetings and public records and Proposition #9 would have added a new section to Article XI, which would have required prior voter approval of increases in gross receipts and property taxes.¹³

On October 10, 1989, the City Council submitted to the electors two proposed amendments to the Charter which were proposed by two petitions filed pursuant to Article VI and which were voted upon at the Runoff Municipal Election, November 1, 1989. Proposition #1, which was not approved by the electorate, would have required the approval of the voters of any city building project for which the construction cost is estimated to exceed \$3 million. Proposition #2, which was approved by the electorate, requires competitive bidding for electrical franchises.¹⁴

On January 23, 1991, the City Council submitted to the electors a proposed amendment to the Charter which was proposed by a petition filed pursuant to Article VI and which was voted upon at the Special Municipal Election, March 26, 1991. The proposed amendment, which was approved by the electorate, added Section 7 to Article XI, requiring the approval of the voters of any city building or project costing more than \$10 million, except for specifically excepted buildings or projects.¹⁵

On July 15, 1991 and August 5, 1991, the City Council submitted to the electors two proposed amendments to the Charter which were voted upon at the Regular Municipal Election, October 8, 1991. In addition, on August 5, 1991, the City Council submitted to the electors a proposed amendment to the Charter which was proposed by a petition filed pursuant to Article VI and which was voted upon at the Regular Municipal Election, October 8, 1991. All three propositions were approved by the electorate; however, because of the wording in Proposition #2 that it would take effect only if Proposition #3 was not adopted, Proposition #2 did not take effect. Proposition #1 changed the one year residency requirement for candidates for City Council and Proposition #3 repealed the requirement of a public vote on major buildings or projects costing more than \$10 million and enacted a requirement that a public vote be held on a proposed performing arts center costing more than \$10 million.¹⁶

On October 5, 1992, the City Council submitted to the electors a proposed amendment to the Charter which was proposed by a petition filed pursuant to Article VI [of the Charter] and which was voted upon at the Special Municipal Election, December 8, 1992. The proposed amendment, Proposition #4, which was not approved by the electorate, would have repealed existing Article XV [of the Charter] and added a new Article XV which would have prohibited the city from owning, operating or leasing property or equipment to

be used for providing electrical service without prior approval of the voters.¹⁷

The Code of Ethics and the Election Code have been amended by the enactment of several ordinances since their initial adoption at the Special Election, February 26, 1974.

The Election Code has since been amended by the enactment of several ordinances since its initial adoption at the Special Election, February 26, 1974, including being extensively amended by Ordinance No. 17-1993.

On April 20, 1981 the City Council, pursuant to Article IV, Section 3, adopted Ordinance No. 35-1981 (amended by Ordinance No. 41-1981), which altered the boundaries of the nine Council districts on the basis of the 1980 Federal Census and amended Appendix A to identify the Council districts according to Bernalillo County precincts.

On June 17, 1991 the City Council, pursuant to Article IV, Section 3, adopted Ordinance No. 28-1991 (amended by Ordinance No. 31-1991), which altered the boundaries of the nine Council districts on the basis of the 1990 Federal Census and amended Appendix A to identify the Council districts according to Bernalillo County precincts.

On May 3, 1993, the City Council adopted Ordinance 21-1993 amending Apperndix A by modifying some of the precinct numbers to conform to the precinct numbers adopted by the Bernalillo County Commission.

On June 21, 1993, the City Council submitted to the electors two proposed amendments to the Charter which were voted upon at the Regular Municipal Election, October 5, 1993. Both proposed amendments were disapproved by the electorate. Proposition #5 would have permitted the City Council and attorneys from the City's Legal Department to meet in closed attorney-client meetings and Proposition #6 would have changed the annual salaries of the Councilors.¹⁸

On November 15, 1993, the City Council submitted to the electors a proposed amendment to the Charter which was proposed by a petition filed pursuant to Article VI [of the Charter] and which was voted upon at a Special Municipal Election, January 11, 1994. The proposed amendment, Proposition #7, which was approved by the electorate, added Section

13 to Article IV, limiting the terms of Councillors to two elected terms.¹⁹

On June 19, 1995, the City Council submitted to the electors a proposed amendment to the Charter which was voted upon at the Regular Municipal Election, October 3, 1995. The proposed amendment, which was not approved by the electorate, would have changed the annual salaries of the Councillors.²⁰

A City Charter Review Task Force was established in September 1998 and in its final report, which was submitted on June 2, 1999, the Task Force recommended eleven amendments to the Charter. In addition, City Council recommended an additional amendment. Subsequently, on August 2, 1999, the City Council submitted to the electors twelve proposed amendments to the Charter which were voted upon at a Special Election held in conjunction with a Regular Municipal Election on October 5, 1999.

Five of the twelve proposed amendments were adopted by the electorate as indicated in the parenthetical statements following the appropriate articles. The amendments amended Articles II, IV, V, VI, and XII.

Of the seven proposed amendments which were not adopted, Question #1 would have repealed Article XI regarding a public vote on a performing arts center, Question #4 would have amended Article VIII, regarding human rights, Question #5 would have increased the salaries of the Councillors, Question #6 would have increased the salary of the Mayor, Question #8 would have added language to Article IV, Section 10, regarding council duties, Question #10 would have repealed Article IV, Section 13, regarding term limits, and Question #11 would have repealed Article XV, regarding competitive bidding for electrical franchises.²¹

On June 25, 2001 the City Council, pursuant to Article IV, Section 3, adopted Ordinance No. 26-2001, which altered the boundaries of the nine Council districts on the basis of the 2000 Federal Census and amended Appendix A to identify the Council districts according to Bernalillo County precincts.

On May 21, 2001 and August 6, 2001, the City Council submitted to the electors three proposed amendments to the Charter which were voted upon at the Regular Municipal Election, October 2, 2001. All three propositions were approved by the electorate.

Proposition #8 requires the appointment of a redistricting committee representative of the city's geographic, racial, ethnic and gender diversity to redraw boundaries after every federal census. Proposition #9 requires all candidates for mayor or City Council to publicly disclose all campaign contributions and expenditures at any time prior to their formal declaration of candidacy. Proposition #10 requires quarterly financial reports of political contributions and expenditures by the incumbent mayor and councilors throughout their terms of office.²²

On August 16, 2004, the City Council submitted to the electors a proposed amendment to the Charter which was voted upon at the November 2, 2004 General Election. The proposed amendment, which was not approved by the electorate, would have changed the annual salaries of the Councillors.²³

On June 20, 2005 and June 30, 2005, the City Council submitted to the electors two proposed amendments to the Charter which were voted upon at the Regular Municipal Election, October 4, 2005. Both were adopted by the electorate. The adopted propositions amend the Charter to add an Open and Ethical Elections Code and a photo voter identification requirement for Albuquerque municipal elections. Direct legislation by voter initiative that would have adopted a Fair Wage Ordinance was not approved by the electorate.²⁴

On October 17, 2005, February 5, 2007, March 5, 2007 and June 4, 2007, the City Council submitted to the electors five proposed amendments to the Charter which were voted upon at the Regular Municipal Election, October 2, 2007. Of the five propositions, four were adopted by the electorate. The adopted propositions amend the Charter to preclude municipal elections on religious holidays, prohibit candidates for the office of Mayor or City Council from accepting campaign contributions from any business entity or person or organization that has a contract with the city, allow the City Council to appoint members to City boards and commissions if allowed by ordinance, and changes procedures for recall elections. The proposition which was not approved by the electorate would have changed the annual salaries of the Councillors.²⁵

Pursuant to Section 2, Article V regarding the Mayor's salary, the Council has passed three resolutions approving increases. Resolution 132-1977, adopted July 18, 1977, increased the Mayor's salary

from \$34,000 to \$39,000 per year; effective December 1, 1977. Resolution 246-1981, adopted November 23, 1981, increased it from \$39,000 to \$46,000 per year, effective July 1, 1982. Resolution 245-1981, also adopted November 23, 1981, provided that the Mayor's salary "shall be automatically increased July 1 of each fiscal year in the amount equal to the across the board percentage increase granted to city M-series employees." The Mayor's salary as of July 1, 2007, is \$103,043.20.

Endnotes

1. Election certified at Regular Commission Meeting held on July 31, 1919.
2. Election certified at Regular Commission Meeting held on October 8, 1919.
3. Election certification dated February 16, 1966. Approved at Regular Commission Meeting, February 22, 1966.
4. Election certification dated June 30, 1971. Approved at Regular Commission Meeting, July 12, 1971.
5. Election certification dated February 27, 1974. Approved at Regular Commission Meeting, March 4, 1974.
6. Election certification dated October 13, 1975. Certification noted in Journal at Regular Council Meeting, October 20, 1975.
7. Election certification dated October 11, 1977. Certification noted in Journal at Regular Council Meeting, October 17, 1977.
8. Election certification dated October 8, 1979. Certification noted in Journal at Regular Council Meeting, October 15, 1979.
9. Election certification dated October 12, 1981. Certification noted in Journal at Regular Council Meeting, October 12, 1981. Amended election certification dated October 15, 1981 noted in Journal at Regular Council Meeting, October 19, 1981.
10. Election certification dated October 11, 1983. Certification noted in Journal at Special Council Meeting, October 11, 1983.
11. Election certification dated October 15, 1985. Certification noted in Journal at Regular Council Meeting, October 21, 1985.
12. Election Certification dated October 7, 1987. Certification noted in Journal at Special Council Meeting, October 12, 1987. Amended election certification dated October 15, 1987 noted in Journal at Regular Council Meeting, October 19, 1987.
13. Election certification dated October 6, 1989. Certification noted in Journal at Special Council Meeting, October 10, 1989.
14. Election certification dated November 3, 1989. Certification noted in Journal at Regular Council Meeting, November 6, 1989.
15. Election certification dated March 29, 1991. Certification noted in Journal at Regular Council Meeting, April 1, 1991.
16. Election certification dated October 11, 1991. Certification noted in Journal at Regular Council Meeting, October 21, 1991.
17. Election certification dated December 11, 1992. Certification noted in Journal at Regular Council Meeting, January 4, 1993. Amended election certification dated March 29, 1993, noted in Journal at Regular Council Meeting, May 3, 1993.
18. Election certification dated October 8, 1993. Certification noted in Journal at Regular Council Meeting, October 11, 1993.
19. Election certification dated January 13, 1994. Certification noted in Journal at Regular Council Meeting, February 7, 1994.
20. Election certification dated October 6, 1995. Certification noted in Journal at Regular Council Meeting, October 16, 1995. Amended election certification dated October 30, 1995 noted in Journal at Regular Council Meeting, November 6, 1995.
21. Election certification dated October 8, 1999. Certification noted in Journal at Regular Council Meeting, November 1, 1999.

22. Election certification dated October 5, 2001.
Certification noted in Journal at Regular Council Meeting, October 15, 2001.

23. Election certification dated November 12, 2004. Certification noted in Journal at Regular Council Meeting, December 6, 2004.

24. Election certification dated October 7, 2005. Certification noted in Journal at Regular Council Meeting, February 6, 2006.

25. Election certification dated October 9, 2007. Certification noted in Journal at Regular Council Meeting, November 19, 2007.