CITY of ALBUQUERQUE TWENTY SIXTH COUNCIL

CO	UNCII	L BILL NO. 0-24-16 ENACTMENT NO. 0.2024.013
		RED BY: Joaquín Baca, by request
	1	ORDINANCE
	2	AMENDING CHAPTER 2, ARTICLE 4 OF THE CITY CODE RELATING TO
	3	ELECTIONS AND PETITIONS.
	4	WHEREAS, the bill aims to make changes to the existing provisions of the
	5	ordinance to mitigate redundancy; and
	6	WHEREAS, it is necessary to align with Section 1-22-18 NMSA 1978, which
	7	delineates the timeframe for when a candidate assumes office, ensuring
	8	consistency and compliance with state law.
	9	BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
_	10	ALBUQUERQUE:
w tion	11	SECTION 1. ROA 1994, Chapter 2, Article 4 is hereby amended as follows
- New Deletion	12	and its sections and subsections are to be renumbered accordingly:
	13	"§ 2-4-6 REGULAR MUNICIPAL ELECTION; TAKING OFFICE.
nderscored Material] :ethrough Material] -	14	(A) Each candidate, elected to the office of Mayor or Councilor, shall
¥a‡ ¥a‡	15	personally appear before the City Clerk at a time and place specified by the
erec F	16	City Clerk, [but not earlier than after canvass] [within ten days] and after the
rsc Tour	17	candidate has received the certificate of election and not later than the
		administration of the oath of office. When the candidate appears, the
Bracketed/Ur Bracketed/Strik	19	candidate shall sign a written statement acknowledging receipt of the
kete	20	certificate of election and acknowledging that the candidate is legally qualified
eker eker	21	to hold office. The City Clerk shall cause a copy of the certificate of election
	22	and the written receipt and qualification statement to be filed in the Journal of
_	23	the Council.
	24	(B) The City Clerk or any other person allowed by law to administer oaths
	25	shall administer the oath of office to each candidate who has provided the

written receipt and qualifications statement to the City Clerk. A public

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- 1 ceremony repeating the swearing in shall also be conducted on or about
- January 1, following each election. Officials who have satisfied the 2
- 3 requirements of division '(A)' or '(C)' of this section shall be deemed to have
- 4 taken office on January 1, regardless of the date of the public swearing in
- 5 ceremony.
- 6 (C) If a candidate fails to appear as required in division (A) of this section.
- 7 then the candidate or the candidate's authorized personal representative shall
- 8 file an affidavit with the City Clerk, not later than 5:00 p.m. on the fifth day after
- the time specified by the City Clerk pursuant to division (A) of this section, 9
- 10 stating that the candidate was unable to personally appear before the City
- 11 Clerk as required by division (A) of this section. If such an affidavit is timely
- 12 filed, the candidate shall appear before the City Clerk not later than 5:00 p.m.
- 13 on the 15th day following the specified date for the commencement of the term
- of office to provide the election certificate, file the receipt and qualifications 14
- statement and take the oath of office. 15
 - (D) If a candidate fails to comply with division (A) of this section prior to the specified date for the commencement of the term of office, then the person holding the office shall remain in office until the candidate takes office or the office is declared vacant.
 - (E) If a candidate fails to comply with division (A) or division (C) of this section, then that office is deemed vacant.
 - [§ 2-4-15 LIMITATION ON USE OF FUNDS.
 - (A) Short title. This section may be referred to as the "Limitation on Use of
- 24 Open and Ethical Elections Code Funds Ordinance". 25
- 26 candidates under the provisions of the Open and Ethical Elections Code, in

(B) Limitation on use of funds. Funds distributed to participating

- 27 addition to the limitations contained in that Code, shall not be used for the
- 28 following purposes:
- 29 (1) The purchase of "alcoholic beverages" as that term is defined at § 13-2-
- 2 ROA 1994. 30
- (2) Any payment to a registered voter in exchange for that voter agreeing 31
- 32 to vote in an election.

	1	(C) Penalty. Violation of this section shall be a criminal act punishable as
	2	provided for at § 1-1-99 ROA 1994.]
	3	SECTION 2. SEVERABILITY CLAUSE. If any section, paragraph, word or
	4	phrase of this ordinance is for any reason held to be invalid, or unenforceable
	5	by any court of competent jurisdiction, such decision shall not affect the
	6	validity of the remaining provisions of this ordinance. The Council hereby
	7	declares that it would have passed this ordinance and each section,
	8	paragraph, sentence, clause, word or phrase thereof irrespective of any
	9	provision being declared unconstitutional or otherwise invalid.
	10	SECTION 3. COMPILATION. Section 1 of this ordinance shall amend, be
	11	incorporated in, and made part of the Revised Ordinances of Albuquerque,
	12	New Mexico, 1994.
	13	SECTION 4. EFFECTIVE DATE. This ordinance shall take effect five (5) days
	14	after publication by title and general summary.
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1	PASSED AND ADOPTED THIS 6th DAY OF May, 2024
2	BY A VOTE OF: 9 FOR 0 AGAINST.
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9	Jan Je
10	Dan Lewis, President
11	City Council
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14	APPROVED THIS, DAY OF
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<u>.</u> 19 + 20	~ 27 //
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5 24 2 24	Timothy M. Keller, Mayor City of Albuquerque
25 25	City of Albuquerque
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30	Ethan Watson, City Clerk
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