



Date: July 14, 2025

TO: Governing Body

FROM: Andréa Salazar, City Clerk/Director of Community Engagement 

RE: Memorandum of Agreement Between the City of Santa Fe and Santa Fe County Regarding the Qualifications of Municipal Candidates to Receive Payments from the City's Public Finance Fund for the 2025 Regular Local Election

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## **ITEM & ISSUE:**

Request for Approval of a Memorandum of Agreement with Santa Fe County Outlining the City and County's Responsibilities for the November 4, 2025, Regular Local Election as it Relates to Municipal Candidates Seeking Public Campaign Financing. (Andréa Salazar, City Clerk/Director of Community Engagement; asalazar@santafenm.gov)

## **BACKGROUND AND SUMMARY:**

The County Clerk will be conducting a regular local election on November 4, 2025, pursuant to the Local Election Act, Chapter 1 Article 22 NMSA 1978; and various City positions for Public Officials will be filled at the 2025 Regular Local Election. The City Code provides for public financing campaigns for municipal elected officials. State and local statutes identify the duties of both the City and County Clerks therefore this memorandum of agreement solidifies the responsibilities of the City and County Clerk as it pertains to qualifications of candidates electing to be a certified public financed candidate.

## **ACTION REQUESTED**

Consideration of the above request.

Attachments: Memorandum of Agreement

**Signature:**   
ANDREA SALAZAR (JUL 2025 11:08 MDT)

**Email:** asalazar@santafenm.gov

**MEMORANDUM OF AGREEMENT**  
**BETWEEN THE CITY OF SANTA FE AND SANTA FE COUNTY REGARDING THE**  
**QUALIFICATION OF MUNICIPAL CANDIDATES TO RECEIVE PAYMENTS FROM**  
**THE CITY'S PUBLIC FINANCE FUND FOR THE 2025 REGULAR LOCAL**  
**ELECTION**

The City of Santa Fe (City) and Santa Fe County (County), (collectively “Parties”), enter into this Memorandum of Agreement (MOA), effective as of the date of the last signature by the Parties.

**Recitals**

WHEREAS, the County Clerk will be conducting a regular local election on November 4, 2025, (“2025 Regular Local Election”) pursuant to the Local Election Act, Chapter 1, Article 22 NMSA 1978;

WHEREAS, various City positions for Public Officials will be filled at the 2025 Regular Local Election; and

WHEREAS, the City Code has adopted a Campaign Code, Section 9-2 SFCC 1987, which, amongst other things, provides for public financing of campaigns for municipal elected officials; and

WHEREAS, NMSA 1978, Sec. 1-22-3.2(A) states that “[e]lection provisions or procedures in an ordinance or charter of a municipality that do not conflict with the Election Code shall be administered pursuant to the ordinances or charter of the municipality, unless the municipal clerk and the county clerk have signed a memorandum of understanding for the county clerk to conduct election provisions or procedures on behalf of the municipality”; and

WHEREAS, NMSA 1978, Sec. 1-22-3.2(D)(2) states that “if the date in the ordinances or charter of the municipality for submitting documents to be approved for public financing is an earlier date than the filing date for declarations of candidacy provided in the Local Election Act, the municipal clerk shall accept declaration of candidacy and other candidate qualification documents from persons seeking to be approved for public financing on the date provided in the ordinances or charter of the municipality upon which the municipal clerk shall deliver to the county clerk the candidate qualification documents of each person seeking to be approved for public financing”; and

WHEREAS, NMSA 1978, Sec. 1-22-3.2(D)(3) states that “the county clerk shall notify the municipal clerk in writing no later than 5:00 p.m. on the third day following receipt of the candidate qualification documents that the certificate of registration of the candidate, the declaration of candidacy and the petition, if any, are in proper order and whether the person, based on those documents, is qualified to be a candidate”; and WHEREAS, pursuant to Section 1-22-7(A) declarations of candidacy for positions that will be filled at a regular local election are to be filed on the seventieth (70<sup>th</sup>) day before the regular local election; and

WHEREAS, the deadline for submitting documents to be approved for public financing that is set forth in Section 9-3.9 SFCC 1978 is an earlier date than the filing date for declarations of candidacy set forth in Section 1-22-7(A); and

WHEREAS, Section 9-3.9 SFCC 1978 states that “[o]n or before the ninety-fifty (95<sup>th</sup>) day before the election the city clerk shall deliver to the county clerk, pursuant to Section 1-22-3.2(D)(2) NMSA 1978, the candidate’s declaration of candidacy and certificate of valid nominating petition, and shall request from the county clerk a determination, pursuant to 1-22-3.2(D)(3) NMSA 1978, whether the candidate is qualified to be a candidate.”; and

WHEREAS, the City and County wish to enter into this MOA to clarify the process for the qualification of candidates by the County Clerk pursuant to 9-3.9 SFCC 1978 and NMSA 1978, Section 1-22-3.2, for the 2024 Regular Local Election.

### **The Parties’ Agreement**

#### **1. Parties Responsibilities.**

##### **A. City’s Responsibilities.**

1. On or before August 1, 2025, the City will hand-deliver to the front window of the County Clerk’s Office the original declarations of candidacy and original candidate qualification documents of individuals seeking approval for public financing for the 2025 Regular Local Election, including nominating petitions.
2. The City Clerk’s Office shall not alter or otherwise mark the original declarations of candidacy and candidate qualification documents, including affixing ink or other stamps that document receipt. The

City Clerk's Office may make copies of such documents before delivering them to the County Clerk's Office.

3. The City is responsible for enforcing the City's Campaign Code, including the revocation of a candidate's certification as publicly financed and repayment of funds pursuant to Section 9-3.9 SFCC 1987.

B. County's Responsibilities.

1. The County Clerk will notify the City Clerk in writing no later than 5:00 p.m. on the third day following receipt of the candidate qualification documents that the certificate of registration of the candidate, the declaration of candidacy and the petition, if any, are in proper order and whether the person, based on those documents, is qualified to be a candidate for 2025 Regular Local Election. The County Clerk's determination will be limited to factors set forth in NMSA 1978, Section 1-22-10(A), and consistent with the New Mexico Secretary of State's practices for evaluating the sufficiency of nominating petitions.
2. The County Clerk is not responsible for any changes that candidates make that may disqualify them as a candidate or for enforcing the City's Campaign Code after the date on which they are qualified as a candidate for public financing.

2. Termination. Termination of this MOA shall not nullify obligations already incurred for performance or failure to perform before the date of termination.

3. Tort Claims Act. Neither party shall be responsible for liability incurred as a result of the other party's acts or omissions in connection with this MOA. Any liability incurred by the City or County in connection with this MOA is subject to the immunities and limitations of the New Mexico Tort Claims Act, NMSA 1978, Section 41-4-1. The Parties and their "public employees" as defined in the New Mexico Tort Claims Act, do not waive sovereign immunity, do not waive any defense, and do not waive any limitation of liability pursuant to law. No provision in this MOA modifies or waives any provision of the New Mexico Tort Claims Act.

4. Governing Law. The laws of the State of New Mexico shall govern this MOA, without giving effect to its choice of law provisions. Venue shall be New Mexico in accordance with NMSA 1978, § 38-3-2.

5. Counterparts. This MOA may be executed in one or more counterparts, each of which is an original, and all of which together constitute only one agreement between the Parties.

6. Integration Clause. This MOA incorporates all covenants and understandings of the parties hereto concerning the subject matter hereof, and all such covenants and understandings have been merged into this MOA. No prior covenants or understandings, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this MOA.

7. Invalid Term or Condition. If any term or condition of this MOA shall be invalid or unenforceable, the remainder of this MOA shall not be affected and shall be valid and enforceable.

8. Notices. Any notice required by this MOA shall be given in writing to the parties designated below. Notice shall be effective when delivered personally to any party, or three business days after deposited, postage fully prepaid, registered or certified, in an official receptacle of the U.S. Postal Service.

COUNTY: Katharine E. Clark  
County Clerk  
Santa Fe County  
P.O. Box 1985  
Santa Fe, New Mexico 87504  
505-986-6280

CITY: Andrea Salazar  
City Clerk

9. Effective Date. This MOA shall become effective upon the date of last signature by the Parties.

10. Amendment. This MOA will not be altered, changed or amended except by an instrument in writing signed by the Parties.

IN WITNESS WHEREOF, the Parties duly executed this MOA as of the dates written below.

CITY OF SANTA FE

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Alan Webber, Mayor Date

ATTEST:

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Andréa Salazar, City Clerk Date

APPROVED AS TO FORM:

Marcos Martinez 07/08/2025  
Marcos Martinez (Jul 8, 2025 16:06 MDT)

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Marcos D. Martinez, Senior Assistant City Attorney Date

[County signatures on next page]

**SANTA FE COUNTY**

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Gregory S. Shaffer,  
Santa Fe County Manager

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Date

Approved as to form:

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Walker Boyd  
Santa Fe County Attorney

# MOA 2025 Candidates for Public Financing

Final Audit Report

2025-07-08

Created:	2025-07-08
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## "MOA 2025 Candidates for Public Financing" History

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