



TIMOTHY M. KELLER, MAYOR

CITY OF ALBUQUERQUE
OFFICE OF THE MAYOR/ CHIEF ADMINISTRATIVE OFFICE

INTEROFFICE MEMORANDUM

TO: CITY COUNCIL

FROM: TIMOTHY M. KELLER, MAYOR

SUBJECT: VETO OF R-24-47, ADOPTING A PROPOSITION TO BE SUBMITTED TO THE VOTERS AT THE NEXT GENERAL ELECTION TO BE HELD IN THE CITY OF ALBUQUERQUE CONCERNING AMENDMENTS TO ARTICLE II OF THE ALBUQUERQUE CITY CHARTER; PROVIDING THE FORM OF THE QUESTION AND THE DESIGNATION CLAUSE FOR SUCH QUESTION ON THE BALLOT (LEWIS AND PEÑA)

DATE: JULY 2, 2024

After careful legal review, I have identified the following issues with the legislation R-24-47, which I have outlined in detail below. I would first like to point out that there are important discrepancies between the resolution as amended at the City Council meeting on June 17 and the resolution presented to my office from the City Council Clerk.

After adoption of the floor amendment to amend the resolution from 40% to a plurality the following language was not removed from the original legislation:

- Page 1, line 24, the words “total number of votes cast for the office”; and
- Page 2, line 1 the number “40%”. (Please see attachment)

While I do understand the intent of the amendment and the ability for a clerk's correction, this is a significant correction and raises legal concerns with the resolution. It also highlights that this final proposal came at the conclusion of the previous iterations and did not receive the appropriate public input and attention it warranted.

This resolution would lower the threshold for Mayor and City Council to be elected from the current system—50% plus 1—to a plurality, meaning most votes wins, and it would eliminate runoffs. Runoff elections are the norm in cities that employ nonpartisan ballots to select local officials. Peer cities such as El Paso, Oklahoma City, Denver, Phoenix, Colorado Springs, and Sacramento all use a 50% plus 1 threshold.

Although we elect members of Congress and state legislators via plurality vote, these are partisan elections, where parties first select their nominees before they compete in general election. Because the plurality vote rule combined with single member districts tends to produce two strong political parties, general elections almost always have only two candidates, and thus a majority vote winner. Cities by and large have nonpartisan elections, not party primaries, thus runoffs are often required to produce a majority winner.

I firmly believe a plurality system would give a significant advantage to incumbent candidates and remove a level of accountability our constituents deserve. With more support from voters, elected leaders have a clear mandate to govern. With a plurality, a Mayor or Councilor could be in office with 10% of the vote or less, making it challenging to represent the whole city or be held accountable to voters.

I want to remind everyone that in 2013, with a vote of 55% to 45%, voters spoke loud and clear on this issue by changing the then 40% threshold to the current 50%. Current efforts nationwide to reform city elections are focused on promoting democracy and civic engagement, not anti-majoritarian policies like the current amendment, which would allow a minority of voters in the city to select our mayor, and a minority of voters in council districts to select city councilors. This is something I cannot ignore; I respect and support the will of the voters and all the members of our community who have pushed for more accountability in our elections.

I want to recognize the overwhelming input from the public in opposition to this particular piece of legislation. It has been clear in the last three City Council meetings, nearly every single community member voiced their concern and opposition to this measure. There have also been a significant number of op-eds and letters published in opposition, including an open letter to all CABQ leaders from Secretary of State Maggie Toulouse Oliver.

With that being said, I want to recognize that the sponsors of this legislation have been clear and consistent on their position. While I disagree with their position, it has created a healthy discussion and debate within our community, which is a cornerstone of our democracy.

R-24-47 as passed would drastically change the way we conduct elections in the City of Albuquerque. While no election system is perfect, this charter amendment moves Albuquerque in the wrong direction.

For these reasons, I am respectfully exercising my authority to veto R-24-47.