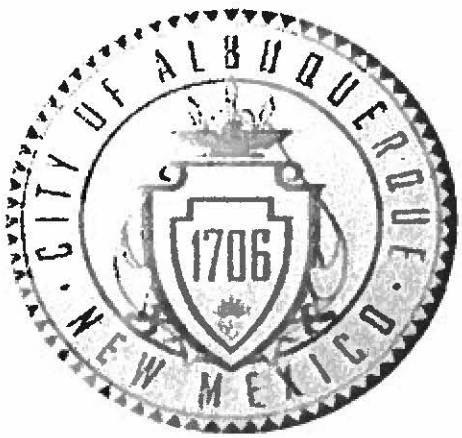
RULES & REGULATIONS
OF THE
BOARD OF ETHICS
&
CAMPAIGN PRACTICES



FOR THE
ELECTION CODE, THE
OPEN AND ETHICAL ELECTION CODE,
AND THE CODE OF ETHICS
OF THE
CITY CHARTER

OFFICE OF THE CITY CLERK
P.O. Box 1293
ALBUQUERQUE, NM 87103

RULES AND REGULATIONS OF THE BOARD OF ETHICS AND CAMPAIGN PRACTICES RELATING TO THE ELECTION CODE, THE OPEN AND ETHICAL ELECTION CODE, AND THE CODE OF ETHICS OF THE CITY CHARTER

Section 1 AUTHORITY AND CONSTRUCTION

A Pursuant to the authority granted by the City Charter of the City of Albuquerque, the Board of Ethics and Campaign Practices (hereafter referred to as the "Board") issues the following Rules and Regulations for its conduct, and for interpretation and enforcement of the Code of Ethics (Article XII), the Election Code (Article XIII), and the Open and Ethical Elections Code (Art. XVI) of the City Charter (hereafter referred to collectively as "the Codes.")

B In the event that these Rules and Regulations are in conflict with the provisions of the Codes, the provisions of the Codes shall prevail.

C Terms and words, which are used but not defined in these Rules and Regulations, shall have the same meaning as defined or used in the Codes with the exception that an "Official" is any Candidate or the chair of a measure finance committee and "Candidate" shall mean any person who has (1) obtained a nominating petition from the City Clerk pursuant to Election Code Sec. 4(c)(1)(D); (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 Councilor or (3) filed a declaration of candidacy for elected office as required by law, whichever first occurs.

Section 2 WHERE TO FILE AND ADDRESS INQUIRIES; ORIENTATION

A Questions concerning election matters are to be directed to the Office of the City Clerk. Questions concerning financial records and statements may be directed to the Office of the City Clerk or to the Campaign and Election Auditor, if retained.

B All campaign materials and all declarations, statements, forms and any other documents required by the Codes or these Rules and Regulations to be filed with or submitted to the Board shall be filed in the Office of the City Clerk in accordance with the times specified in the Codes or in these Rules and Regulations.

C It is the responsibility of the person filing or submitting such campaign materials or documents to request and receive from the Office of the City Clerk a signed receipt showing the date and time of filing or submission.

D All documents required by the Codes or these Rules and Regulations to be filed with or submitted to the Board shall be complete in all respects. Documents submitted will be considered incomplete unless all of the enumerated information is provided. Incomplete submissions will not be considered to be timely filed unless the information is provided on a corrected submission filed prior to the times specified in the Codes or these Rules and Regulations. Any documents requiring the address of a

contributor shall be deemed to be incomplete if the contributor's residential street address is not provided

E Before any City election with Candidates and subsequent to the filings of Declarations of Candidacies, the City Clerk will hold an orientation for Candidates and their treasurers. Similarly, the City Clerk may hold an orientation for Measure Finance Committees.

Section 3 ADVISORY OPINIONS

A The Board shall issue advisory opinions pursuant to Article XII Sec. 3(e) of the City Charter under the following procedures.

1 Each request for an advisory opinion shall be in writing and must be filed with the City Clerk.

2 The City Clerk will hire an outside independent legal consultant to review each request, prepare a draft advisory opinion and submit the draft to the Board within 14 days of the Clerk's receipt of the request. The Board then shall take action on the draft advisory opinion within 30 days of its receipt. The Board may accept or reject the draft advisory opinion as submitted. Alternatively, the Board may revise the draft advisory opinion, and if so, the Board shall take action on the revised advisory opinion within 14 days.

3 The person requesting an opinion may attend any Board meeting at which the proposed advisory opinion is considered. The Board may require the person requesting the advisory opinion to answer questions or provide additional information or documentation at the review meeting.

4 Each advisory opinion shall be issued only after a majority of the entire membership of the Board has voted in favor of the advisory opinion.

B Confidentiality, Public Hearings and Public Record

1 The request for an advisory opinion shall remain confidential and shall not be a public record until the request and recommendations of the independent legal counsel retained by the City Clerk are heard by the Board.

2 The review meeting on advisory opinions by the Board shall be an open meeting.

3 All advisory opinions approved by the Board shall be filed with the City Clerk and shall be a public record. The City Clerk shall index the advisory opinions by subject matter and date.

C Advisory Opinion Requirements

1 The request for an advisory opinion shall be about only the conduct or contemplated conduct of the candidate, Official or lobbyist (collectively, "Party")making the request, not that of some other person.

2 The request shall be about only prospective conduct, not past or present actions.

3 The request shall be about only a real or potential conflict the requesting Party is facing.

4 All material facts must be revealed in the request.

5 The Party who is issued an advisory opinion is the only person who may use the opinion as a defense, as permitted in Sec. 3(D), below.

6 The Board may include in the advisory opinion that the Party must take particular actions or refrain from certain conduct in order to be eligible to use the advisory opinion as a defense to any future complaint.

D Advisory Opinions as a Defense

1 A Party who receives an advisory opinion may rely on the opinion under the following conditions. If a complaint is filed against that Party based on the same facts that are the basis for the opinion request, then the Party may raise the advisory opinion as a defense in the response to the complaint or any portion of the complaint. The Board shall determine if the opinion was followed and whether the complaint is based on the same facts revealed in the opinion request. If both are found, the Board shall dismiss the complaint or that portion of the complaint that pertains to the advisory opinion.

2 In the event the Board finds that material facts were omitted by the Party in requesting the advisory opinion, that the Party did not follow the advisory opinion, or that the complaint involves material facts other than those that are the basis of the advisory opinion, then the Board shall not dismiss the complaint solely on the basis of the advisory opinion, however the Party may use the advisory opinion as part of the defense to the complaint.

3 Previous advisory opinions may be used by both Complainants and Respondents as precedent, but such opinions are not binding on the Board unless the Board determines that it is an opinion issued to and followed by the Respondent pursuant to paragraph (D)(1) of this Section.

Section 4 ENFORCEMENT

A Complaints

1 A complaint alleging a violation of the Codes or these Rules and Regulations shall be made in writing by the filing of a notarized statement attesting to the truth of its contents on a form approved by the City Clerk. The complaint shall include documentation as to time, place, facts, and the names of any witnesses to the alleged violations. Complaints and answers to complaints shall be verified or made under explicit penalty of perjury. The Board will not hear a complaint that is not verified or made under explicit penalty of perjury. A Respondent's failure to timely file a verified answer may be construed by the Board, depending on the totality of the circumstance, as an admission of allegations. A sample form of verification is available at the Office of the City Clerk.

2 The complaint shall be reviewed by the City Clerk and must meet the following criteria in order to be considered sufficient:

a The complaint is submitted on the form approved by the City Clerk and all required information listed on the form has been provided, including:

i. Complainant's name, address and telephone number

ii. Respondent's name, address and telephone number

iii. If Respondent is a candidate, the office and position sought

iv. Whether Complainant has filed this complaint with any law enforcement agency, and if so, which one(s). A copy of complaints filed with any law enforcement agency must be attached to the complaint

v. A description in reasonable detail of the alleged violation, including the Section(s) or Part(s) of the Codes or Rules and Regulations of the Board that Complainant believes in good faith to have been violated

vi. Evidence that support's the allegations set forth in the complaint, including but not limited to

- The names/telephone numbers of persons whom Complainant believes to have personal knowledge of the allegations
- A copy of any political advertisement(s) Complainant references in the complaint
- A copy of any other document Complainant references in the complaint

- Any other evidence supporting the allegations set forth in the complaint

vii A certification that, to the best of Complainant's knowledge, information and belief formed after a reasonable inquiry under the circumstances, each factual contention of the complaint is supported by evidence

viii. Complainant's notarized signature affixed immediately after the certification

b The complaint contains the name of the Complainant. A complaint cannot be submitted anonymously

c The complaint names a single Respondent. A complaint cannot be filed against more than one Respondent

d The complaint attaches all exhibits or materials referenced in the complaint

e The complaint should differentiate between statements and assertions based on Complainant's personal knowledge and those based on Complainant's information and belief. Statements and assertions not based on Complainant's personal knowledge should identify the source of the information.

3 Within 3 business days after the complaint is filed with the City Clerk, the City Clerk must review the complaint to ensure that it meets all of the requirements set forth in Sec. 4(A)(2), above. The City Clerk's review is only for facial compliance with the requirements of Sec. 4(A)(2). The City Clerk shall not make any determinations regarding the merits of the complaint at this stage.

4 If the City Clerk finds that the submitted complaint fails to comply with the requirements of Sec. 4(A)(2), above, or is otherwise incomplete, the City Clerk shall reject the complaint. The City Clerk shall return the complaint to Complainant and provide written notice of the reason(s) for the rejection. Complainant may file a new complaint or appeal the City Clerk's rejection. Such appeal shall be to the Board.

5 If the City Clerk reviews the submitted complaint and finds it to be sufficient, then the City Clerk must immediately notify the Respondent and provide the Respondent with a copy of the complaint using the best means practicable. The City Clerk shall then refer the complaint to the Board.

6 Upon referring a complaint to the Board, the City Clerk also shall do the following

a Set the complaint for an evidentiary hearing by the Board to be held within 30 days of the date the complaint was referred to the Board. If that hearing date falls within the "blackout period" set forth in Art. XII sec. 12(3)(i)(5) of the City Charter,

then the City Clerk shall add 7 additional days to the hearing date. The Board may extend this deadline only upon a showing of good cause.

b. Contact Complainant and Respondent and attempt to resolve the alleged violation(s) by informal means as set forth in the Board's Rules and Regulations.

7 Limitations. No complaint alleging a violation which occurred more than 120 days prior to the date the complaint is filed will be accepted unless the facts and documentation supporting the charges alleged in the complaint were not public knowledge or available for public inspection within that time frame. But in no event shall the Board hear a complaint alleging campaign violations in which the alleged violation occurred more than one year in the past unless the complainant also alleges fraud or purposeful misrepresentation on the part of the Respondent to conceal the conduct that is the subject of the complaint.

B Consent Order/Settlement Process

1 At any time after the filing of the complaint, Respondent may offer to settle the complaint by requesting a settlement conference with the City Clerk's staff. Based on the settlement conference, the staff shall prepare a proposed settlement agreement that shall be submitted to the Board. The settlement agreement shall state the parties' contentions, the action taken or to be taken by the Respondent to correct the alleged violation, if any, and proposed sanctions, if any, upon Respondent.

2 Upon receipt of a proposed settlement agreement, the Board shall meet to determine if it will accept the settlement agreement. Board acceptance of a settlement agreement shall be by a majority vote of those Board members in attendance. Upon acceptance, the Board shall issue a consent order that shall be provided to all parties. The review of the settlement agreement and vote on the consent order shall be conducted at a public hearing. Testimony shall not be allowed at such hearing nor shall argument of the parties be accepted. Respondent shall attend the hearing to confirm acceptance of remedial measures, if any, to be taken by Respondent and sanctions imposed. The consent order shall be a final order concluding the case. The settlement agreement approved by the Board and the consent order shall be public records. In the event a settlement agreement is rejected by the Board, such settlement agreement may not be used as evidence in any subsequent hearings.

C Investigations. For the purposes of these Rules and Regulations, the term "allegations" means any formal charges filed with the Board and any other information raising a substantial question related to compliance with the Codes which four or more members of the Board vote to investigate.

1 By an affirmative vote of at least four members of the Board, the Board may determine to have an investigation of any formal charge prior to or during any hearing that the Board may hold relative to the formal charge. Decision on any such charges which the Board votes to investigate shall be held in abeyance pending

investigation. The scope of any investigation of allegations authorized by the Board shall be specifically defined by the Board prior to the investigation being undertaken.

2 If the Board determines, by an affirmative vote of at least four members of the Board, to investigate allegations concerning compliance with the Codes, the Board may utilize the Office of Internal Audit and Investigations, City staff assigned to the Board or temporarily employ or contract with investigators. In selecting and retaining investigators to investigate such allegations, the Board shall follow the procurement procedures and ordinances of the City of Albuquerque. The investigator shall be retained by the Clerk on the Board's behalf.

D Answers. Respondent's answer to a complaint shall include a response to each allegation in the Complaint and shall be filed with the City Clerk by Respondent within 10 days after Respondent receives notice from the City Clerk that the complaint has been set for a hearing. Respondent shall send a copy of the answer to Complainant by first class mail and file a certificate of mailing with the City Clerk certifying that such mailing occurred on or before the date the answer was filed with the City Clerk.

E Hearings. In conducting hearings, all parties shall be afforded an opportunity for a full and fair hearing. In this regard, the Board shall follow these procedures:

1 Parties. The party filing a complaint with the Board shall be referred to herein as the "Complainant" and the party responding to alleged violations of the Codes or these Rules and Regulations shall be referred to herein as the "Respondent."

2 Notice. The Board shall require that the parties provide in advance of a hearing a written statement of all issues to be addressed, a list of proposed witnesses, a brief statement of the nature of each witness's testimony, and copies of all documentary evidence to be introduced at least 10 days prior to the scheduled hearing. One copy of each item required pursuant to this paragraph shall be provided to the City Clerk to the attention of the Board, and one copy to each opposing party. Failure of a Complainant to comply fully with this paragraph shall result in a dismissal of the complaint with or without prejudice at the Board's discretion in view of a totality of the circumstances. Failure of a Respondent to comply fully with this paragraph may result, based on a totality of the circumstances, in an admission of all alleged charges in the complaint. Parties objecting to authenticity of proposed exhibits must make an objection in writing to the Office of the City Clerk at least 3 days prior to the scheduled hearing and shall provide a copy of the objection to opposing parties simultaneously. A party's failure to make a timely objection to the authenticity of opposing party's exhibits shall result in the admission of those exhibits.

3 Continuances. Requests for continuances shall be made, in writing, at least 3 days prior to the hearing, and shall be delivered to the Office of the City Clerk to the attention of the Board. Continuances shall be granted only for good cause shown.

4 Evidence

a The parties may stipulate to some or all of the facts in advance of the hearing. For all contested facts, the Board shall afford all parties an opportunity to present oral or documentary evidence and argument on all issues involved, except that irrelevant, immaterial and unduly repetitious evidence shall be excluded. It is the policy of the Board that testimony and information presented during the hearing must have a direct and substantial bearing on the case at hand.

b Hearsay testimony shall be admissible subject to the other limitations on admissibility contained in these rules, provided that anonymous statements shall not be admissible.

c The Board shall base its decision on evidence of a type commonly relied upon by reasonably prudent people in the conduct of their affairs. Each violation of the Codes or these Rules and Regulations found by the Board shall be supported by at least some evidence that is admissible in a court of law.

d The Board may, but is not required to, recognize any agreements on facts and issues between the parties and eliminate certain facts not in dispute in defining the issues to be heard.

e Prior decisions by the Board on the same issue will generally be followed and the parties are urged to refer to prior rulings on identical or similar issues. Prior decisions are available at the City Clerk's Office. The City Clerk shall index all Board case decisions by subject and date.

f The Board may request clarification by the Complainant of a complaint prior to any hearing, request that certain facts be examined initially in order to determine whether such facts exist as will support the allegations to be heard, or make any other rulings that are procedural, limiting, dispositive, or otherwise, which are in accordance with the law as applied to the facts at issue.

5 Duties of Presiding Officer

a The Chair of the Board shall act as the presiding officer at the hearing unless he/she is unavailable or wishes to delegate this duty, in which case the Board members shall select a presiding officer. The presiding officer shall

i. Determine the admissibility of evidence and testimony;

ii. Make rulings on procedural issues; and

iii. Be responsible for the Board's written ruling in each case.

iv. Issue an administration subpoena for the appearance of a person at a hearing or for the production of documents, or both. When the Board has authorized an investigation, pertinent documents may be required to be produced to the investigator at other than a Board meeting.

v. Request the City Attorney to apply for a Court order compelling compliance with an administrative subpoena or for a Court order requiring the giving of the testimony or production of documents.

vi. The presiding officer may impose reasonable limits on the number of witnesses to be heard and on the nature and length of the testimony or examination of persons appearing at such hearings.

vii. The presiding officer may set time limits for presentation of opening and closing statements.

viii. The presiding officer may prohibit repetitive testimony.

b Should an action of the presiding officer be challenged by another Board member, and should the presiding officer disagree with the challenge, the issue will be decided by a majority vote of the Board members present.

6 Hearing Procedure

a In the absence of the Board's decision to proceed in a different manner, notice of which shall be given to the parties at least three (3) days in advance of the hearing, the sequence of the hearing shall be as follows:

i Opening Statement of Issues. Complainant and then Respondent will present statements of issues involved in the case and outline the case that will be presented.

ii Presentation of Complainant's Case. Complainant's case will first be presented to the Board. Witnesses for Complainant will be called, sworn, and questioned on their involvement in or knowledge of the case. Following each witness's testimony, Respondent will have the opportunity to question the witness. Board members will then have the opportunity to question the witness on matters related to his/her testimony. Follow-up questioning by Complainant will be allowed at the discretion of the presiding officer. This procedure will be followed for each of Complainant's respective witnesses.

iii Presentation of Respondent's Case. Respondent's presentation shall follow Complainant's and the same format as the presentation of Complainant's case shall apply.

iv Rebuttal Testimony. Following presentation of Respondent's position, Complainant will be allowed to present rebuttal testimony at the discretion of the presiding officer. Such testimony shall be brief and specifically

address the issues brought forth in Respondent's presentation. No new issues shall be raised. Rebuttal testimony shall not address a matter that reasonable could have been presented in the presentation of the Complainant's case

v Closing Statements. At the conclusion of the case presentations and rebuttal testimony, Complainant and Respondent will each make closing statements. The closing statements should briefly review the issues presented and the desired outcome. Complainant will then have the opportunity to make a final statement, which shall be limited to issues brought forth in Respondent's closing statement.

vi Decision. Any decision or opinion of the Board, including findings of fact, which shall consist of a written statement of the facts relied on to support the decision of the Board, shall be given to each party by certified mail or personal service, and shall be filed in the Office of the City Clerk.

b Any party may be represented by representatives

7 Record. The following records of the Board's proceedings shall be kept:

a A full record of the hearing by video and/or sound recording (which shall be retained for one year after the final decision is issued);

b All documents of other items considered and received as evidence; and

c Any decision or opinion of the Board.

8 Appeal. Any party who is aggrieved by the Board's decision may file an appeal in the District Court. An appeal shall be filed within 5 days of receipt of the Board's decision.

F Reasons for Dismissing a Complaint

1 Complainant voluntarily may withdraw a complaint at any time up until 14 days before a hearing on the merits of the complaint. After that time, Complainant voluntarily may withdraw a complaint only with Respondent's consent and approval of the Board.

2 The Board may dismiss a complaint if any one of the following is found or for such other reason as may be determined by the Board.

a The Board has no jurisdiction over the subject matter specified in the complaint or over the Respondent.

b The time in which a complaint could be filed has run.

c The conduct alleged in the complaint, if true, would not constitute a violation of the Codes.

d The complaint on its face is frivolous, groundless, or brought for the purpose of harassment.

e The subject of the complaint has become moot.

f The Respondent had obtained an advisory opinion concerning the identical facts alleged in the complaint and Respondent complied with the advisory opinion.

g The Board may dismiss a complaint after hearing evidence if it finds that the Respondent committed the violation due to excusable neglect, Respondent has come into compliance voluntarily and the Board determines that no sanction is required or when the Complainant does not appear at a hearing, but only if the Board determines that it would be unfair to the Respondent not to have the opportunity to examine the Complainant

G Fines

1 Pursuant to the Codes, the Board may, after due hearing, impose on a Candidate or chair of a Measure Finance Committee a fine not to exceed the maximum set by state law, $500, for each violation of the Codes or these Rules and Regulations or issue a public reprimand or do both.

2 Fines are automatically imposed and public reprimands are issued for failure to file, late filing or incomplete filing of any report, statement or other document required by the Codes or these Rules and Regulations. When a campaign finance report is incomplete, the candidate or the chair of the Measure Finance Committee shall be notified of the failure and shall have 5 calendar days from the date of notice to correct the failure. If the incomplete filing is not corrected within 5 calendar days, there shall be a fine and public reprimand. If the failure is corrected within 5 calendar days and the Board determines from the face of the filings that any failure appears to have been the result of excusable neglect, the Board shall find that there has been no violation.

3 For each of the required Disclosure Statements of Campaign Financing, failure to file a required statement by its deadline for filing, the filing of an incomplete statement, and failure to provide copies and information regarding advertising and signs as required each are considered to be a separate violation of the Codes and these Rules and Regulations. The automatic fine for each violation is $100. The total of the automatic fines for violations of the Codes or these Rules and Regulations shall not exceed $500 for any required filing date.

4 The automatic fine for failure to appear before the Board at the mandatory meeting concerning campaign financial records scheduled between noon on the Friday immediately preceding the election and the day of the election is $500.

5 A supplemental fine of $300 per filing date may be levied for failure or refusal to file any required document after action, in the form of fine, reprimand or otherwise has been taken by the Board pursuant to any provisions of the Codes or these Rules and Regulations.

6 Written notice of all fines shall be given to the Candidate or chair of a Measure Finance Committee by the Office of the City Clerk.

7 All fines are due when levied and shall be paid to the City of Albuquerque by delivering the amount of any such fine in the Office of the City Clerk. Interest will be assessed at the maximum rate allowed by state law on any fine that is not paid by the thirty-first day following the date that the fine is imposed. For the purposes of this Section, the date of imposition of an automatic fine is the date of the violation.

8 The Board may alter an automatic fine for reasons it considers compelling.

9 Any automatic fine imposed pursuant to these Rules and Regulations without a hearing may be appealed to the Board by filing a written appeal in the Office of the City Clerk but not later than ten days after receipt of the notice of the imposition of the fine.

10 Limitation on Source of Funds to Pay Fines. A candidate, the chair of the Measure Finance Committee or any other obligated person subject to a fine pursuant to the Codes and these Rules and Regulations shall not use contributions received by such candidate or the Measure Finance Committee to make payment of any fine assessed under the Codes or these Rules and Regulations.

H Communications. After a complaint has been filed, none of the parties or their representatives may communicate on an ex parte basis with the Board or any Board member on any matter pertaining to the complaint. All communications pertaining to the complaint shall be sent to the office of the City Clerk.

I Board Initiated Charges. Notwithstanding any other provision in this Section, the Board may, on its own initiative, initiate a charge or charges that a Candidate or the chair of a Measure Finance Committee or any other group has committed a violation of the Codes or of these Rules and Regulations.

J Mandatory Meeting Concerning Campaign Financial Records

1 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 chair or treasurer of each Measure Finance Committee, shall appear before the Board at a time and place designated by the Board (hereafter, the "Pre-Election Meeting'). At the designated time and place, the campaign financial records of each Candidate and each Measure Finance Committee shall be submitted to the Board for inspection and/or audit. Any charge of violation of the Codes or these Rules and Regulations arising out of or pertaining to any financial disclosure statements or any other

document required to be filed on or before the Friday immediately preceding the election shall be reviewed by the Board at the Pre-Election Meeting as though it were a hearing. The three day notice required by the City Charter for the Pre-Election Meeting shall constitute notice for any preliminary hearing on complaints based on such financial disclosure statements or other document required to be filed.

2 At the Pre-Election Meeting the Board and its auditor shall be entitled to ask each Candidate and Candidate's treasurer and the chairperson and treasurer of each Measure Finance Committee for clarification and additional documentation concerning all campaign financial disclosure statements or other documents required to be submitted to the Board. Each Candidate, treasurer and chair shall be prepared to discuss the contents, or omissions of any campaign information, material, report, statement or other document required to be filed prior to the Pre-Election Meeting. Such inquiry and the responses thereto shall not be considered a hearing on a complaint or as an answer or response to a complaint, provided however that the Board shall be entitled to bring charges based on the information or lack of information received at the Pre-Election Meeting.

3 In the event that any charge is brought by the Board against a Candidate or a Measure Finance Committee as a result of the Pre-Election Meeting such action shall be deemed to be acceptance of a complaint. Written charges shall be mailed to the Candidate or chair of the Measure Finance Committee and the procedural rules of these Rules and Regulations shall apply thereafter.

Section 5 MISCELLANEOUS.

A Notice Any notice required by the Codes or these Rules and Regulations shall be given by mail, personal service, e-mail, or as provided below. For the purposes of providing notice to **a** Candidate or the chair of a Measure Finance Committee, written notice mailed or delivered to the address specified in a Candidate's Declaration of Candidacy or a Committee's registration statement shall be considered sufficient notice to the Candidate or Committee. Provided, that if a Candidate or chair has furnished a different address pursuant to Section 7 of the Election Code, notice mailed or delivered to such an address shall be considered sufficient notice.

B Meetings The Board shall comply with the provisions of the New Mexico Open Meetings Act relating to notice to the public of its meetings and meetings being open to the public. The length of notice given to the public of the Board's meetings shall be determined by annual resolution. Deliberations on cases, including the drafting of findings and conclusions, may be in closed or open sessions.

C Records All records of the Board in the conduct of its business, including but not limited to minutes of meetings, recommendations to the City Council and Mayor, or records and statements in connection with any particular election, shall be under the custody of the Office of the City Clerk, and shall be maintained as required by the Codes.

D Amendments The Board, by majority vote, may amend these Rules and Regulations pursuant and subject to the authority granted under Section 9 of the Election Code.

E Effective Date and Filing These Rules and Regulations, having been approved by the Board of Ethics and Campaign Practices on **February 28, 2020** by a vote of **4** for **0** against and **2** absent, shall be effective on the date entered below and shall be filed in the Office of the City Clerk.

ADOPTED THIS **28th** DAY OF FEBRUARY, 2020.

Andrew G. Schultz
Chair, Board of Ethics Campaign Practices

Ethan Watson, Acting City Clerk