

**2023 REGULATIONS OF THE ALBUQUERQUE CITY
CLERK FOR THE ELECTION CODE AND OPEN AND
ETHICAL ELECTIONS CODE**



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Part 1: Definitions and Computation of Time

“**Board**” means the Board of Ethics and Campaign Practices.

“**Clerk**” means the City Clerk for the City of Albuquerque.

“**Designated Representative**” means the individuals the Candidate has named on the official form to the City Clerk’s Office to act on behalf of the Candidate for required interactions with the City Clerk’s Office such as, trainings, weekly drops of petitions and Qualifying Contributions, etc. The Candidate is responsible for the acts and interactions of these designees.

“**EC**” means the Election Code, or Article XIII of the City Charter of the City of Albuquerque.

“**MFC**” means a Measure Finance Committee.

“**OEEC**” means the Open and Ethical Elections Code, or Article XVI of the City Charter of the City of Albuquerque.

“**QC**” means Qualifying Contribution to the Open and Ethical Election Fund.

“**Verify**” means the process through which the City Clerk’s Office substantiates the Qualifying Contribution form or petition form against the requirements for each.

Computation of Time: When the EC, OEEC, or these regulations require an act to be done with in a period of time, computation of time shall be governed by Ordinance 1-1-12, and all references to “days” are to calendar days except when the EC, OEEC, or these regulations expressly provides otherwise.

Part 2: Contributions

1. The term “Contribution” includes:
 - a. A gift, subscription, loan, advance or deposit of money, or anything of value made for the purpose of influencing the nomination or election of any person to elected office or for the purpose of liquidating any campaign deficit of a candidate, except that a loan of money to a candidate by a financial institution in this State made in accordance with applicable banking laws and regulations and in the ordinary course of business is not included;
 - b. A contract, promise or agreement, express or implied, whether or not legally enforceable, to contribute for such purposes;
 - c. Funds received by a candidate or a measure finance committee that are transferred to the candidate or committee from another political committee or other source; and
 - d. The payment, by any person other than a candidate or a measure finance committee, of compensation for the personal services of other persons that are provided to the candidate or committee without charge for any such purpose.
2. The term “Contribution” does not include:
 - a. The value of services provided without compensation by individuals who volunteer their time on behalf of a candidate or measure finance committee, except that professional services are included in the term “Contribution” as set forth in these Regulations;
 - b. Unreimbursed travel expenses incurred by an individual in the course of providing

- voluntary personal services to a candidate and paid for by that individual, if the cumulative amount of these expenses does not exceed \$350 with respect to any election;
- c.** Unreimbursed campaign-related travel expenses incurred and paid for by the candidate or the candidate's Immediate Family;
 - d.** Documents created, obtained, or maintained by a political party for the general purpose of party building, whether in printed or electronic form, including party platforms, single copies of issue papers, information pertaining to the requirements of the City Charter, lists of registered voters and voter identification information, and provided to a candidate who is a member of that party;
 - e.** Compensation paid by a political party committee to its employees for the following purposes:
 - i.** Recruiting and overseeing volunteers for campaign activities involving 3 or more candidates; or
 - ii.** Coordinating campaign events involving 3 or more candidates; or
 - iii.** Campaign training sessions provided to 3 or more candidates.
 - f.** Costs paid for by a political party committee in connection with a campaign event at which 3 or more candidates are present;
 - g.** The use or distribution of any communication obtained by the candidate for a previous election and fully paid for during that election;
 - h.** Activity or communication designed to encourage individuals to register to vote or to vote if that activity or communication does not mention a clearly identified candidate;
 - i.** A candidate's own services and property, other than cash;
 - j.** 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;
 - k.** The services of the person who is performing the duties of the candidate's treasurer; or
 - l.** The use of vehicles for any campaign purpose other than in connection with the performance of a commercial or professional service.
- 3.** No person may contribute in the name of another person or knowingly permit his or her name to be used to contribute. No person may knowingly accept a Contribution made by one person in the name of another, and reports submitted to the City Clerk must accurately identify the actual contributor.
 - 4.** The payment or waiver of legal fees for legal advice to a candidate on compliance with campaign laws or regulations, and payment or waiver of legal fees or court costs to represent a candidate or candidate committee in any action reasonably related to the campaign or election in which the candidate or committee has been named as a defendant, are Contributions that must be disclosed, but are not subject to any Contribution limits in the Charter.
 - 5.** Candidates seeking eligibility to receive public funds or become Participating Candidates under the OEEC should refer to the Public Financing Program section of these Rules for additional guidance on permissible and prohibited Expenditures specific to applicant and participating candidates.
 - 6.** PayPal, ActBlue, or any other such electronic contribution portal may be used by candidates to collect Contributions or seed money as a passthrough. Funds must be

deposited into the candidate's bank account and recorded in the candidate's campaign finance report.

7. State Campaign Finance Accounts. Individuals with State Campaign Finance Accounts may not use those funds to make Expenditures in any City election, nor may State Campaign Finance Account Funds be transferred to a City Campaign Finance Account.

Part 3: In-Kind Contributions

1. "In-Kind Contributions" are goods and services, other than money, donated or provided to a campaign at no cost or at a discount of 20% or more from fair market value. The following are only examples of In-Kind Contributions and are not exhaustive:
 - a. A person purchases campaign signs for distribution by the campaign and is not reimbursed by the campaign;
 - b. A person pays for some of the candidate's advertising in a community newspaper and is not reimbursed by the campaign;
 - c. A copy shop owner provides the campaign with a 20% discount on printing services;
 - d. A volunteer buys paint and plywood to make signs for a candidate and is not reimbursed by the campaign;
 - e. The owner of a local business provides the campaign, free of charge, some labor of their paid staff members to work for the campaign on company time;
 - f. A commercial vendor extends credit to the campaign under terms that are not substantially similar to the terms extended in the ordinary course of business to nonpolitical customers.
2. The provision of goods to a campaign at no cost or at a discount of 20% or more from fair market value is an In-Kind Contribution and should be reported as such. The provision of funds to a candidate, campaign, or MFC, even if the contributor intends that those funds be used to pay for specific goods, are monetary Contributions and must be reported as such, and not as In-Kind Contributions.
3. If a campaign receives an In-Kind Contribution, the campaign must report the fair market value of the Contribution, which is what the goods or services would have cost the campaign if it had paid cash for the donated goods or services. If the campaign received a discount of 20% or more on goods or services, the discount is the amount of the In-Kind Contribution.
4. A candidate may make an In-Kind Contribution to their own campaign; however, the In-Kind Contribution must be reported in the financial disclosure and will count against the individual In-Kind Contribution limits and for publicly financed candidates, the In-Kind Contribution aggregate limit.
5. In-Kind Contributions must be reported when the goods or services are received by the candidate, campaign, or MFC, or no later than 30 days following receipt of the In-Kind Contribution. Candidates, campaigns, MFCS, and contributors may not avoid this obligation by delaying billing or invoicing for In-Kind Contributions.
6. The individual In-Kind Contribution limit for publicly financed candidates for all covered offices is \$2,500. Aggregate limits are based on the specific office and will be posted online by February 1 of an election year.
7. The individual In-Kind Contribution limit for privately financed candidates is the individual Contribution limit. There is no aggregate limit for privately financed

candidates.

8. All In-Kind Contribution limits reset in a runoff election.

Other In-Kind Contributions – Additional Examples

1. *Food, Drink, and Office Supplies.* Contributions of food, drinks, and/or office supplies that have a cumulative fair market value of one hundred dollars (\$100.00) or more per election cycle, must be reported as In-Kind Contributions.
2. *Volunteer Services vs. Paid Assistance.* Individuals are permitted to provide their services for free to the campaign as volunteers, except that professional services must be reported as In-Kind Contributions. However, if the volunteer provides their services with the knowledge of their employer during their paid work-time, then the employer has contributed to the campaign and that time must be reported as an In-Kind Contribution from the employer in the amount that the volunteer would have been paid by his or her employer for that time.
3. *Appearing in Advertising Sponsored by Third-Parties.* If an individual or organization invites the candidate to appear in a paid advertisement, and the advertisement airs within one-hundred (100) days of an election and primarily features the candidate, the value of the advertising *could* be considered a Contribution to their campaign. If the advertisement qualifies as a Contribution, the candidate would be required to report receiving the value of the Contribution. It would count toward the Contribution limit. Contact the City Clerk to receive advice on what factors the Board of Ethics might consider in determining whether the advertisement would be a Contribution.
4. *Polling and Research.* If an individual or organization provides a campaign or MFC with polling and research at no cost, or at a discount of 20% or more, that is an In-Kind Contribution that must be disclosed.
5. *Services Contributed Through a Candidate's Business Entity.* If a candidate has a business entity, and that entity provides goods or services to the campaign without charge, or at a 20% or more discount, those Contributions are In-Kind Contributions that must be disclosed.
6. *Coordinated Expenditures v. Independent Expenditures.* Coordinated Expenditures must be reported as In-Kind Contributions. Independent Expenditures are not In-Kind Contributions.
7. *Professional services,* accounting services, consulting services and similar services provided directly from the professional to the Candidate are permitted, provided no single In-Kind Contributor exceeds the limits set in the Charter.
8. If a professional provides professional services within the scope of their profession free of charge or at a 20% or more discount, that is an In-Kind Contribution. However, if a professional volunteers their time providing services outside of the scope of their profession, that is not an In-Kind Contribution. By way of example only:
 - a. If an accountant provides a campaign with free accounting services, that is an In-Kind Contribution that must be reported and will count against In-Kind Contribution limits.
 - b. If an accountant volunteers their time going door-to-door for a candidate, that is volunteer work, does not need to be reported, and does not count against In-Kind Contribution limits.

- c. If a graphic designer provides a campaign with free design services, that is an In-Kind Contribution that must be reported and will count against In-Kind Contribution limits.
- d. If a graphic designer volunteers their time assisting a candidate with speech preparation, that is volunteer work, does not need to be reported, and does not count against In-Kind Contribution limits.

Part 4: Expenditures

1. In addition to the definition included in Article XIII, Section 2 “Expenditure” means a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment, unless it is clear from the surrounding circumstances that it is not made for campaign purposes. An Expenditure is made on the earlier of the date the payment is made or on the date consideration, if any, is received.
2. A payment is made for political purposes if it is made for the purpose of influencing or attempting to influence the action of the voters for or against the election of a candidate or the qualification or passage of any ballot measure.
3. Candidates may not make Expenditures of campaign funds to pay civil penalties, fines, or forfeitures to the Board of Ethics.
4. Expenditures of campaign funds for personal use is prohibited. Personal use is any use of campaign funds of a candidate (or former candidate) to fulfill a commitment, obligation or expense of any person that would exist irrespective of the candidate’s campaign or responsibilities as an officeholder.
5. The payment of legal fees to advise a candidate on compliance with campaign laws or regulations, and payment of legal fees or court costs to represent a candidate or candidate committee in any action reasonably related to the campaign or election in which the candidate or committee has been named as a defendant or respondent, are Expenditures that must be disclosed, but are not subject to any Expenditure limits in the Charter.
6. Candidates who seek eligibility to receive public funds or become Participating Candidates under the OEEC should refer to the Public Financing Program section for additional guidance on Expenditures under the OEEC.

Part 5: Coordinated Expenditures

1. If an Expenditure is made to promote or support the nomination or election of a candidate, or to oppose or defeat the candidate’s opponent(s), and the Expenditure is made in cooperation, consultation or concert with, or at the request or suggestion of, the candidate, the Expenditure is a Coordinated Expenditure, and is a Contribution from the person making the Expenditure to the candidate. As used within this subsection, the term “candidate” includes a committee authorized by the candidate to promote or support his or her election, and all agents of the candidate or the authorized committee.
2. In cooperation, consultation or in concert with includes, but is not limited to:
 - a. Discussion between the candidate and the creator, producer or distributor of a communication, or the person paying for that communication, regarding the content, timing, location, mode, intended audience, volume of distribution or frequency of placement of that communication; and

- b. Participation by the candidate in making any decision regarding the content, timing, location, mode, intended audience, volume of distribution, or frequency of placement of the communication.
3. An Expenditure is presumed to be made in cooperation, consultation or concert with, or at the request or suggestion of a candidate, when:
 - a. the Expenditure is made in cooperation, consultation or in concert with any person who, during the twelve months preceding the Expenditure, has been the candidate's treasurer or an officer of the candidate's authorized committee, has had a paid or unpaid decision-making position in the candidate's campaign, or has received any campaign-related compensation or reimbursement from the candidate; or
 - b. when the candidate has directly shared the candidate's campaign plans, activities, polling, research, or needs with the person making the Expenditure for the purpose of facilitating a payment by that person on a communication to voters to promote or support the candidate.
4. The candidate or person making the Expenditure may rebut the presumption by submitting sufficient contrary evidence.
5. A candidate is allowed to ask others not to spend money in support of their candidacy. Even if another person or organization were to subsequently spend money, merely making a request *not* to make an Independent Expenditure does not, by itself, constitute coordination. A request by a candidate that a party committee, political action committee, measure finance committee, or other person not make any Expenditure to promote or support the candidate, or oppose or defeat the candidate's opponent(s) does not constitute cooperation or coordination; however, such a request does not mean that a subsequent Expenditure is not a Coordinated Expenditure; the City Clerk shall determine cooperation or coordination based upon the totality of the circumstances.
6. An Expenditure will not be presumed to have been made in cooperation, consultation or concert with, or at the request or suggestion of a candidate, solely because:
 - a. the person making the Expenditure has obtained a photograph, biography, position paper, press release, logo, or similar material about the candidate from a publicly available source;
 - b. the person making the Expenditure has previously provided advice to the candidate on suggested communication strategies, budgets, issues of public policy, or other campaign plans or activities;
 - c. the person making the Expenditure makes an Expenditure in response to a general, non-specific request for support by a candidate, provided that there is no discussion, cooperation, or consultation with the candidate prior to the Expenditure regarding the details of the Expenditure;
 - d. the person making the Expenditure has also contributed to the candidate, or has discussed with the candidate their campaign plans or activities as part of the candidate's solicitation for a donation;
 - e. the Expenditure is made by a for-profit or non-profit organization for invitations, announcements, food and beverages and similar costs associated with an event to which the candidate has been invited by the organization to make an appearance before the organization's members, employees, shareholders and the families thereof; or

- f. the Expenditure is made by an individual who spends \$100 or less for costs associated with a sign that is lettered or printed individually by hand or that reproduces or replicates a candidate's campaign-related design or graphic.
7. **Correct Reporting:** Participating Candidates may partake in Coordinated Expenditures, but any such Coordinated Expenditures must be reported as set forth in the EC, OEEC, and these regulations.

Part 6: Independent Expenditures and MFCs

1. **Independent Expenditures; definition.** For the purposes of this Part, an "Independent Expenditure" is presumed when an Expenditure is:
 - a. Spent on Express Advocacy or Electioneering Communications that are made without the cooperation, consultation or coordination with, or at the request or suggestion of, a candidate, a candidate's authorized committee, or an agent thereof. An Independent Expenditure may include materials already distributed to the public or broadcast by a candidate, the candidates authorized committee, or an agent thereof.
 - b. Independent Expenditures may consist of materials previously made public by the campaign without implying coordination with the campaign.
2. **Rebutting presumption.** A person presumed under this Part to have made an Independent Expenditure may rebut the presumption by filing a signed written statement with the Board of Ethics within 48 hours of making the Expenditure stating:
 - a. The cost was not an Expenditure, supported by any additional evidence the person chooses to submit; or
 - b. That the Expenditure was made in cooperation, consultation or coordination with, or at the request or suggestion of, a candidate, a candidate's authorized committee or an agent thereof, supported by any additional evidence the person chooses to submit.
3. **Report required; content; rules.** A person, party committee, political committee or political action committee, or measure finance committee that makes any Independent Expenditures in excess of \$250 during any one candidate's election, or in support or opposition of any one issue before the voters, shall register as a committee and file a report with the City Clerk in compliance with Article XIII, Section 4 of the City Charter.
4. Reports required by this subpart must contain an itemized account of each Expenditure, the date and purpose of each Expenditure, and the name of each payee or creditor. The report must state whether the Expenditure is in support of or in opposition to the candidate, and must include, under penalty of perjury, a statement under oath or affirmation whether the Expenditure is made in cooperation, consultation or concert with, or at the request or suggestion of, a candidate or an authorized committee or agent of a candidate.
5. A committee that has registered and filed a report as required by this section, and in compliance with Article XIII, Section 4, shall continue to file financial disclosure reports until the committee has alerted the City Clerk's Office that the committee has been dissolved or no longer exists and the bank account has been closed, as required in Article XIII, Section 4(G).
6. **Exclusions.** An Independent Expenditure does not include:
 - a. An Expenditure made by a person in cooperation, consultation or concert with, or at the request or suggestion of, a candidate, a candidate's political committee, or their

- agents;
 - b. A telephone survey that meets generally accepted standards for polling research and that is not conducted for the purpose of changing the voting position of the call recipients or discouraging them from voting;
 - c. A telephone call naming a clearly identified candidate that identifies an individual's position on a candidate, ballot question or political party for the purpose of encouraging the individual to vote, as long as the call contains no advocacy for or against any candidate; and
 - d. A voter guide consisting primarily of candidate responses to surveys and questionnaires and that contains no advocacy for or against any candidate.
7. **Allegations and Complaints:** Persons alleging that an Independent Expenditure is a Coordinated Expenditure may file a Complaint with the City Clerk's Office.

Measure Finance Committees

1. A Measure Finance Committee (MFC) is a political committee or any person or combination of two or more persons acting jointly in support or opposition to a candidate or ballot measure that has made Contributions or Expenditures in excess of \$250 in support or opposition to a candidate or ballot measure. An MFC includes:
 - a. Any separate or segregated fund established by any corporation, membership organization, cooperative, labor organization, or other organization whose purpose is to initiate or influence a campaign or election;
 - b. Any organization, including any corporation or association, whose major purpose is initiating or influencing a campaign or election and that receives Contributions or makes Expenditures aggregating more than \$250 for that purpose; and
 - c. Any organization whose major purpose is not influencing candidate or ballot measure elections but that receives Contributions or makes Expenditures aggregating more than \$250 for the purpose of influencing the nomination or election of any candidate or political office.
2. Advocacy, charitable, or other organizations that are interested in raising and spending money to influence the election of a candidate, a ballot question or referendum are required to form an MFC for that purpose, and file campaign finance reports with the City Clerk.
3. If an organization's **only** financial activity is to contribute to an MFC that will disclose the Contribution in a campaign finance report, the organization does not have to register with the City Clerk as an MFC. However, if the organization raises funds for the purpose of contributing to an MFC, rather than from the organization's general treasury, it has received Contributions and is an MFC if the Contributions exceed \$250.
4. The MFC registration requirement also applies to an individual who raises or spends more than \$250 to initiate or influence an election, ballot question, or referendum. However, if an individual uses his or her *own funds* to contribute to an MFC, he or she does not qualify as an MFC, provided that the funds used to make the Contribution were not themselves a Contribution from another source.
5. MFCs are required to file campaign finance reports in accordance with Article XIII, Section 4, and to register as an MFC with the City Clerk's Office, once \$250 has been raised or spent to support or oppose a candidate or ballot measure.
6. All campaign activity leading up to the \$250 threshold must be reported on the initial

report.

7. MFCs are required to have one, and only one bank account in accordance with the requirements in Article XIII, Section 4. The bank account must be separate from any general account of the organization if applicable.
8. The MFC is required to report Contributions and Expenditures made for the purpose of initiating or influencing a candidate's election, a ballot question or referendum. If the MFC uses funds from its organization's general treasury those amounts must be reported as a Contribution from the organization to the MFC.
9. In campaign finance reports, the MFC must include an itemization of all Contributions, including the name and address of each contributor, and the contributor's occupation and employer. Every Expenditure made to support or oppose a candidate or ballot question or referendum must be reported including Expenditures for the collection of signatures for a direct initiative.
10. If the MFC uses paid staff to influence a candidate's election, a ballot question, or a referendum, the amount of compensation for their staff's time must be reported as an Expenditure. Goods or services, including donated staff time the MFC receives from other organizations or individuals must be reported as In-Kind Contributions.

Part 7: Campaign Financing

Bank Statements

Candidates for a covered office, and Measure Finance Committees are required to submit campaign finance disclosure statements in accordance with Article XIII, Section 4. In addition to the requirements outlined in the Election Code, Candidates and Measure Finance Committees are required to submit monthly bank statements directly to the Campaign and Election Auditor by the 2nd Monday in each month, along with the financial disclosure statements, to reflect the previous month's activities. Monthly statements may be submitted electronically by uploading to the Candidate or Committee's campaign finance reporting site, or sent directly via email to the Campaign and Election Auditor. Monthly bank statements shall be submitted each month for the duration of the election cycle as long as the campaign or committee is active and filing financial statements.

Loans

Applicant Candidates for public financing may take out a loan, or the candidate may give their own campaign a loan during the exploratory period. However, once a candidate is a Participating Candidate and has received a distribution from the City, the candidate may no longer accept or hold any loans. This means that if a Participating Candidate receives a loan during the exploratory period, it must be repaid with seed money prior to any distribution from the City. Applicant Candidates may not charge interest on a loan given to their own campaign, nor may they pay interest on a loan.

Privately financed candidates may take out a loan, or a candidate may give their own campaign a loan for an election cycle. The loan must be disclosed as well as any payments made on the loan in accordance with Article XIII, Section 4. A candidate may not charge interest on a loan given to their own campaign. A candidate may not raise funds past election day to repay any outstanding debt from the previous election.

Loans are considered a Contribution, subject to the limitations set forth in Part 2, Section 1(a), and do count against a candidate's individual and aggregate, if any, Contribution threshold.

Campaign Finance Site

The City Clerk's Office will grant access to the campaign finance reporting site to any Candidate or Measure Finance Committee that has met the requirements to be considered a Candidate or a Measure Finance Committee. A Candidate or Committee may request training from the City Clerk's Office on how to use the campaign finance reporting site to file the required disclosures. Training on the campaign finance site is available to all candidates but not required. A candidate who chooses to forgo the available training will be required to sign a form detailing such.

The City Clerk's Office and the Campaign and Election Auditor are available to assist Candidates or Committees with questions regarding their filings or use of the system during normal business hours. Campaign finance reporting generally allows for a full week between the end of a reporting period and when the report is due. The City Clerk's Office encourages Candidates and Committees to timely file reports.

At the end of the election cycle, the Campaign and Election Auditor will verify that all required reports have been submitted by the Candidate or Committee and that the account has been zeroed out and funds disposed of in accordance with Article XIII, Section 4. At that time, the City Clerk's Office will terminate the Candidate or Committee's access to the campaign finance reporting site. Should a Candidate or a Committee fail to comply with the provisions in Article XIII, Section 4 by the end of the election cycle, but the failure to comply is of *de minimus* value, the City Clerk may terminate the Candidate or Committee's access to the campaign finance reporting site.

Part 8: Petitions

1. Candidates for Mayor and for City Council must submit a qualifying number of petition signatures to be eligible for the ballot in a regular local election.
 - a. Mayoral candidates must submit 3,000 signatures.
 - b. City Council candidates must submit 500 signatures.
 - c. Signatures must come from verified registered voters in City of Albuquerque (for mayoral candidates) or the district the candidate is seeking to represent (for City Council candidates).
 - d. Signatures may only be collected on the prescribed form designated by the City Clerk, or on the electronic platform provided by the Clerk: petitions.cabq.gov
 - e. Signatures may only be collected during the prescribed timeframe for the office being sought as outlined in §2-4-13.
2. Candidates may be held responsible for violations of these rules by either paid or unpaid (volunteer) circulators.
3. Candidates must submit petition signatures for the City Clerk's verification every Tuesday during the prescribed petition gathering period. Weekly submissions can be made by the Candidate or the Candidate's Representative. The City Clerk's Office will designate a time for these appointments during each cycle.
4. The City Clerk's Office will verify petitions throughout the petition gathering period and will update Candidates regarding the number of verified and rejected petitions on a regular basis. For a petition to be verified it must:
 - a. be legible;
 - b. have all sections completed, including date, signatory's name, address and signature;

- c. be from a qualified registered voter in the City of Albuquerque (for mayoral candidates) or applicable district (for City Council candidates). “Qualified registered voter” means voter must be registered, in the correct district, and must not be a felon;
 - d. be made during the applicable petition period;
 - e. be obtained through efforts made with the knowledge and approval of the Candidate and comply with all requirements in the Election Code;
5. Per NMSA 1978 Chapter 1, Article 8, no voter shall sign a petition for more persons than the number of candidates to fill the office. The City Clerk’s Office will not reject petition signatures from voters that have signed more than one petition for the same office. It is the Candidates’ responsibility to inform the voter of this requirement.
 6. Candidates will be given the opportunity to rehabilitate a rejected signature. Procedures for rehabilitation are provided for in Part 11 of these rules.
 7. Declaration of Candidacy. Following the petition timeframe, candidates are required to submit original petition forms to the County Clerk along with their Declaration of Candidacy form as issued by the Secretary of State’s Office. The County Clerk is the proper filing officer and will issue the final determination of candidates eligibility for the ballot. Privately financed candidates and publicly financed candidates file on separate dates and through a separate process.
 - a. Publicly Financed Candidates will submit their original petition forms and Declaration of Candidacy form to the City Clerk’s Office, along with the Secretary of State’s Designation of Representative Form on the final day of the petition timeframe. The City Clerk will submit the petitions and Declaration of Candidacy form to the County Clerk on behalf of the publicly financed candidates as provided in §2-4-13(H).
 - b. Privately Financed Candidates will submit their original petition forms and their Declaration of Candidacy form to the County Clerk directly seventy (70) days prior to the election, as provided in §2-4-13(H). The City Clerk will maintain the original petition forms for candidates until filing day. If candidates decide to take possession of their original petition forms prior to declaration of candidacy day, the City Clerk’s Office will require the candidate to sign a release of liability form.

Part 9: Public Financing Program/OEEC

Qualifying Contributions

1. Qualifying Contributions shall only be collected during the qualifying period as defined in Article XVI. Any Qualifying Contributions collected outside of the qualifying period may result in a finding of a violation of the OEEC by the Board.
2. Applicant Candidates must submit a Declaration of Intent prior to collecting any Qualifying Contributions.
3. Qualifying Contributions shall only be collected through the paper receipt books issued by the City Clerk’s Office and checked out to the Candidate or the Candidate’s Representative, or on the City Clerk’s online platform: cleancampaign.cabq.gov.
4. The number of required Qualifying Contributions is determined by voter registration in the district in which the candidate is running. The number of registered voters will be extracted from the County Clerk’s voter registration database on the last business day in

February of an election cycle.

5. Candidates are solely responsible for the paper receipt books checked out to their campaign, including maintaining custody of the receipt books and ensuring that they are filled out in accordance with the OEEC and these regulations. The City Clerk's Office will provide the Candidate and the Candidate's Representatives a training on how to use the receipt books, but it is the Candidate's responsibility to transmit that information to the campaign, volunteers, and staff. If a receipt book is lost, the Applicant Candidate should notify the City Clerk's Office as soon as the loss is discovered.
6. Family members, domestic partners, and legal guardians who live in and are registered to vote in the same household may make Qualifying Contributions in the form of a single check, or through the use of the same credit card or cash, provided that each individual signs an individual Qualifying Contribution receipt form electronically or in person and affirms they are doing so of their own free will.
7. Voters may contribute Qualifying Contributions to multiple candidates for the same office.
8. Physical Qualifying Contributions:
 - a. May be collected by the candidate, paid staff, or volunteers.
 - b. Shall be collected on the receipt books provided by the City Clerk's Office.
 - c. Shall be completely filled out to be accepted, including the name of Candidate, the name and address of the contributor, signature of the contributor, name and signature of the collector who was present when the \$5 Contribution was collected, and the date the Contribution was made.
9. Contributions and corresponding receipts must be returned to the City Clerk's Office each Tuesday during the qualifying period. The City Clerk's Office will designate a time for these deposits during each cycle.
10. Campaigns shall return both completed and partially completed receipt books each week.
11. Candidates shall return all unused receipt books within ten (10) days after the end of the Qualifying Contribution period. The City Clerk shall report any unreturned receipt books to the Board of Ethics.

Verification of Physical Qualifying Contributions:

1. For the City Clerk's Office to verify a Qualifying Contribution the Qualifying Contributions must:
 - a. be legible;
 - b. have all sections completed, including date, council district if applicable, candidate's name, contributor's name, address and signature, and representative's name and signature;
 - c. be from a qualified registered voter in the applicable district ("qualified voter" means voter must be registered, in the correct district, and must not be a felon);
 - d. be made during the qualifying period;
 - e. be obtained through efforts made with the knowledge and approval of the applicant candidate and comport with the requirements of the OEEC;
 - f. and deposited with corresponding receipt and funds to the City Clerk's Office prior to the end of the qualifying period.
2. Candidates will be given an opportunity to rehabilitate a rejected Qualifying Contribution. Procedures for rehabilitation are provided for in these rules.

Electronic Qualifying Contributions:

1. Shall only be collected on the City Clerk's electronic Qualifying Contribution platform: cleancampaign.cabq.gov.
2. Can be used as the sole means of collection of Qualifying Contributions, but the City Clerk's Office recommends against this. The website should be used as an additional tool for collection. Connection issues, user error, or any other disruptions to the site or registration database could cause the website to function at suboptimal levels at any given time. The City Clerk's Office will not add additional time to the qualifying period, or operate on non-business days due to issues with the website as it is an additional tool, rather than the sole means for collection of Qualifying Contributions.
3. Qualifying Contributions accepted by the website are automatically verified. However, the website cannot account for any duplicates that may appear in the paper receipt collection. If a Qualifying Contribution from a paper receipt was previously accepted from an individual who later donates on the website, that website donation will be rejected by the City Clerk's Office when the two lists are merged.
4. Candidates are responsible for the "swipe fees" from the electronic website. These fees are \$.35/transaction and may be paid from the candidate's seed money, or distribution if the candidate is qualified for public financing. If the candidate is not qualified for public financing, the candidate is still responsible for these swipe fees. The City Clerk's Office will issue a letter requesting the applicable amount to be paid to the City from the candidate following the qualifying period, or will automatically deduct this amount from the candidate's distribution. Failure to pay the "swipe fees" may result in a complaint or a fine from the Board of Ethics.

Contributions

1. Applicant and Participating Candidates may only accept Contributions in the form of seed money during the exploratory and qualifying period (other than seed money from the candidate themselves, which may be made prior to the exploratory period, but must not exceed the threshold outlined in Article XVI, §3(R)) or in-kind Contributions that can be made anytime during the exploratory period through the election day or runoff election day if applicable. Individual and aggregate limits for both seed money and in-kind Contributions can be found in the OEEC.
2. Seed Money may be donated by any Person as defined in the OEEC. This requires a person to be a resident of the City of Albuquerque.
3. In-kind Contributions may be made by any Person as defined in the Election Code. This does *not* require an individual to be a resident of the City of Albuquerque.
4. Applicant Candidates may accept a loan, however a loan to an Applicant Candidate shall be considered a Contribution, reported as a Contribution, and subject to the individual seed money Contribution limit, including a loan by the Candidate to his or her campaign. Applicant Candidates may only repay loans from seed money Contributions. A loan from an Applicant Candidate to his or her campaign must be repaid, if at all, prior to the Applicant Candidate becoming a Participating Candidate. Loans not repaid must be reported as Expenditures.

Permissible Expenditures

1. Expenditures for “campaign-related purposes” are those which are traditionally accepted as necessary to promote the election of a candidate to political office. Candidates using OEEC funds must also account for the public nature of the funds, the underlying objectives of the OEEC, and the reasonableness of any Expenditure under the circumstances. In the City of Albuquerque, traditional campaign expenses have included, but are not limited to:
 - a. Political advertising expenses;
 - b. Campaign communications such as signs, bumper stickers, T-shirts, or caps with campaign slogans, etc.;
 - c. Campaign events (e.g., invitations, food, tent or hall rental, etc.);
 - d. Printing and mailing costs;
 - e. Campaign staff expenses;
 - f. An entry fee for an event organized by a committee, charity, or community organization or an ad in an event publication, as long as the Expenditure benefits the candidate’s campaign;
 - g. Reasonable payment for Candidate’s campaign-related childcare;
 - h. Campaign operational and travel expenses, such as fuel and tolls, websites, office rental, telecommunications, equipment, or office supplies;
 - i. Tuition or registration costs for campaign or policy issue training;
 - j. Car travel reimbursement to the candidate or campaign staff, as long as the person reimbursed has kept a contemporaneous travel log. Reimbursement shall be made at the IRS mileage rate for a business. Candidates and spouses/domestic partners may spend any amount of their personal funds for campaign travel without seeking reimbursement. Other individuals may spend up to \$250 of their personal funds to pay for travel without the Expenditures qualifying as a Contribution to the campaign;
 - k. Reasonable amounts of OEEC funds may be spent on food for campaign events or to feed volunteers while they are working. Candidates may not spend OEEC funds on food consumed only by the candidate or members of the candidate’s immediate family. Generally, reasonable amounts for food should not exceed \$25/person per event;
 - l. Campaign related lodging, other than the candidate’s primary residence or the residence of the candidate’s immediate family, as long as the lodging is necessary for campaign purposes, and does not exceed fair market value. Candidates may use personal funds for lodging as long as they are not reimbursed by others.
 - m. Office supplies to be used for campaign purposes. Office supplies may not be used for constituent communications or other expenses associated with service as a public official.
 - n. Campaign related services by staff or consultants. Compensation should be made at fair market value and records should be maintained to show the services rendered.

Prohibited Expenditures

1. Candidates may not use OEEC funds for personal expenses or for invalid political expenses, as detailed below. This means candidates may not borrow from or use OEEC funds for personal or other non- campaign expenses, even if temporarily and with the intention of repaying the funds.
2. Personal expenses for goods and services that the candidate would otherwise purchase

independently of the campaign, including but not limited to:

- a. Day-to-day household expenses and supplies;
 - b. Mortgage, rent, or utility payments for the candidate's personal residence, even if part of the residence is being used by the campaign;
 - c. Vehicle repair and maintenance;
 - d. Non-campaign transportation expenses;
 - e. Clothing, including attire for political functions such as business suits or shoes.
3. Expenditures for any purpose, other than the furtherance of the Candidate's nomination or election are expressly prohibited.
4. OEEC funds also *may not* be spent to:
- a. Pay a consultant, vendor, or campaign staff for anything other than campaign goods or services;
 - b. Compensate the candidate for services provided by the candidate;
 - c. Make Independent Expenditures supporting or opposing any candidate, ballot question, or political committee;
 - d. Assist in any way the campaign of any candidate other than the candidate for whom the funds were originally designated;
 - e. Contribute to another candidate, a political committee, a measure finance committee, or a party committee other than in exchange for goods and services;
 - f. Donate to a charity or community organization;
 - g. Promote political or social positions or causes other than the candidate's campaign;
 - h. Make a thank-you gift (including a gift card) to a volunteer or supporter; or
 - i. Pay any civil or criminal penalties, fines, or forfeitures;
 - j. Pay for an election day, or runoff election day party;
 - k. Paid communication that supports or opposes a ballot measure, referendum, or citizen initiative;
 - l. Purchase alcoholic beverages;
 - m. Make any payment to a registered voter in exchange for that voter agreeing to vote in an election, sign a petition, or donate to a candidate or the OEEC.

Paying Campaign Funds to Family Members

1. **Disclosing a Payment to a Member of the Candidate's Family or Household** If a candidate uses OEEC funds to pay or reimburse a member of the candidate's "Immediate Family" (as defined in the Open and Ethical Elections Code), a member of the candidate's household, or a business or nonprofit entity affiliated with a member of the candidate's Immediate Family, the candidate must disclose the family or household relationship (e.g., "spouse," "domestic partner," "brother," "roommate," or "business owned by daughter") in the campaign finance report.
2. **Additional Restrictions for OEEC Candidates.**
A candidate may not pay OEEC funds to:
 - a. The candidate or a sole proprietorship owned by the candidate;
 - b. A member of the candidate's Immediate Family or household (except in the case of reasonable payment for childcare);
 - c. A business entity in which the candidate or a member of the candidate's Immediate Family or household holds a significant proprietary or financial interest; or
 - d. A nonprofit entity in which the candidate or a member of the candidate's Immediate

Family or household is a director, officer, executive director or equivalent, or chief financial officer or equivalent.

e. There are two narrow exceptions to this prohibition:

3. Permitted Payments to the Candidate and Household Members

A candidate may use OEEC funds to pay a member of the candidate's Immediate Family or household, a business entity in which the candidate or a member of the candidate's Immediate Family or household holds a significant proprietary or financial interest, or a nonprofit entity in which the candidate or a member of the candidate's Immediate Family or household is a director, officer, executive director or chief financial officer only if the Expenditure is made:

- a. For a legitimate campaign-related purpose; to an individual or business that provides the goods or services being purchased in the normal course of their occupation or business, and in an amount that is reasonable and at fair market value and other factors the Board of Ethics may choose to consider; and
- b. The candidate provides documentary evidence that the Expenditure qualifies for the exception at the time the Expenditure is reported or when the City Clerk or Board of Ethics requests such evidence, whichever is sooner. This evidence must consist of documentation that the payee is currently employed by or engaged in a business that provides the goods or services provided; justification for the amount of the Expenditure, including the usual price paid by other clients; and an explanation of why the Expenditure is campaign-related. Occasional or sporadic employment on political campaigns (e.g., field work, public relations, or organizing volunteers) will be insufficient to demonstrate a normal course of business.
- c. **Reimbursements.** Reimbursements, including travel reimbursements, made in accordance with the City Clerk and Board of Ethics rules and guidelines are exempt from this restriction. However, the candidate must disclose the family or household relationship when reporting the reimbursement as described above. If an OEEC candidate or a family or household member uses personal funds or a personal credit card to pay a vendor for campaign goods or services, the candidate must reimburse the individual with OEEC funds.

Liquidation of Property or Equipment

1. Property and equipment not exclusive to use in a campaign (e.g., computers and associated equipment, etc.) and has been purchased with OEEC funds loses its campaign-related purpose following the election. Such property and equipment purchased for \$50 or more must be liquidated in an arms-length transaction, and the proceeds reimbursed to the OEEC Fund as unspent fund revenue in accordance with Article XVI, Section 8(C) of the City Charter. Candidates may not return unsold property or equipment to the City Clerk.
2. The liquidation of campaign property and equipment may be done by sale to another person or purchase by the candidate.
3. Liquidation must be at the fair market value of the property or equipment at the time of disposition.
4. If the campaign sells the property or equipment to the candidate or a member of the candidate's Immediate Family or campaign staff, the campaign must receive at least 75% of the original purchase price.

Withdrawal of Applicant or Participating Candidate

- 1. Applicant Candidates:** An Applicant Candidate may withdraw as an Applicant Candidate by filing a written withdrawal on a form approved by the City Clerk. Withdrawal as an Applicant Candidate must occur prior to the deadline for submitting the Application for Certification as a Participating Candidate. Withdrawing Applicant Candidates shall submit all Qualifying Contributions, and all used and unused receipt books. Applicant Candidates who withdraw or do not qualify as a Participating Candidate are not subject to spending limits as outlined in the OEEC if they continue as a non-Participating Candidate (or a Privately Financed Candidate). Any Seed Money collected prior to withdrawal may be maintained in the candidates account as funds for a privately funded campaign. If the applicant candidate withdraws from the race completely, and does not continue on as a privately financed candidate, any seed money raised shall be disposed of in accordance with Article XIII, Section 4.
- 2. Participating Candidates:** A Participating Candidate may withdraw their participation as a publicly financed candidate up to thirty (30) days after being certified as a Participating Candidate by filing the statement of withdrawal with the City Clerk on the approved form. Withdrawn Participating Candidates may continue their campaign as a non-Participating Candidate (or a Privately Financed Candidate) or withdraw from a race completely as stated in OEEC Section 12 (D), (E), and (G). A candidate who files a statement of withdrawal must return to the Fund the amounts required by Article XVI Section 12(E) or (G) of the City Charter. A withdrawn Participating Candidate must also submit corresponding reports to the City Clerk when the withdrawal is filed.
- 3. Participating Candidates who do not qualify as Candidates:** A Participating Candidate who does not qualify as a candidate pursuant to NMSA 1978, Section 3-8-27 G shall deliver to the City Clerk the funds as outlined in OEEC Section 12(F) within five (5) days from the date of notice they have not qualified as candidates. All money received from the Fund and corresponding reports are due to the City Clerk when the withdrawal is filed.
- 4. Use of refunded money:** The City Clerk will not redistribute funds returned to the Open and Ethical Elections Fund pursuant to this Part to other Participating Candidates in the present election cycle for the Regular Local Election. However, the City Clerk may use the returned funds to correct a distribution reduction caused by OEEC Section 14(B).

Unopposed Participating Candidates

An Unopposed Participating Candidate is a Candidate who has been certified as a Participating Candidate by the City Clerk, and who has been certified as a candidate on the ballot by the County Clerk and who has no certified opponent on the ballot.

1. At the time a Participating Candidate becomes an Unopposed Participating Candidate, the City Clerk shall give such candidate notice that they are unopposed. Within three (3) working days of the notice, the Unopposed Participating Candidate shall return all funds they have received from the distribution, minus the legitimate Expenditures made to the date of the notice. These Expenditures include any encumbrances that were incurred prior to notice.
2. The unopposed Participating Candidate shall submit a detailed accounting of all

Expenditures made or Expenditures for which the candidate is contractually obligated through the day the Participating Candidate becomes unopposed, specifying encumbrances or outstanding obligations.

3. All future financial reports submitted by the candidate shall include accounting of any encumbrances or outstanding obligations that are continuing to be paid by the distribution and not by other funds raised once the candidate is no longer a participating candidate.
4. Once all unencumbered funds have been returned to the Fund, an Unopposed Participating Candidate ceases to be a Participating Candidate, and is not subject to the Contribution and Expenditure limits applicable to Participating Candidates. Candidates are considered privately financed candidates, and may fundraise if they so choose.

Certification of Participation

1. Applicant Candidates who would like to be considered for certification as a Participating Candidate must submit an Application for Certification by the final day of the Qualifying Period. The City Clerk shall notify all Applicant Candidates whether they have been certified as Participating Candidates by directly notifying each Applicant Candidate as well as posting the final signed Application for Certification on the City Clerk's website. Certification as a Participating Candidate does not eliminate or modify candidate qualification requirements of the City Charter or New Mexico Law.
2. In addition to the criteria for certification listed in Article XVI, Section 7(A), upon receipt of an Application for Certification, the Clerk shall also determine whether the Applicant Candidate has:
 - a. Accepted Contributions in excess of the pre- and post-Exploratory Period limitations set forth in the OEEC;
 - b. Complied with Seed Money and In-Kind restrictions;
 - c. Run for the same office as a Non-Participating Candidate in the same election year;
 - d. Made a materially false statement in a report or other document submitted to the City Clerk;
 - e. Failed to pay any civil penalty assessed by the City Clerk or Board of Ethics, except that a Candidate has three (3) working days from the date of the request for certification to pay the outstanding penalty and remain eligible for certification;
 - f. Submitted falsified or fraudulent Qualifying Contributions or acknowledgement forms for Qualifying Contributions or Seed Money Contributions, where the Applicant Candidate knew or should have known of the fraudulence or falsification; and
 - g. Been found, through the random audit of Qualifying Contributions by the Inspector General, to have committed fraud or otherwise failed to comply with the regulations of the OEEC regarding the collection of the Qualifying Contributions.
3. If the Clerk makes any of the findings above, the Clerk shall not certify the Applicant Candidate as a Participating Candidate.
4. An Applicant Candidate whose certification has been denied may appeal the Clerk's determination as provided in Article XVI, Section 19.

Revocation of Certification

1. Certification of a Participating Candidate may be revoked at any time by the City Clerk if the City Clerk determines that the Candidate or a Representative of a Candidate:
 - a. Did not submit the required number of valid Qualifying Contributions;
 - b. Failed to qualify as a candidate by petition or other means;
 - c. Submitted any fraudulent Qualifying Contributions or Qualifying Contributions that were not made by the named contributor, and the Participating Candidate knew or should have known of the fraudulence;
 - d. Misrepresented to a contributor the purpose of the Qualifying Contribution or obtaining the contributor's signature on the receipt and acknowledgement form and the Participating Candidate knew or should have known of the misrepresentation;
 - e. Failed to fully comply with the Seed Money and In-Kind restrictions;
 - f. Knowingly made a false statement or material misrepresentation in any report or other document required to be filed under the OEEC, EC or the City Clerk's Rules and Regulations; or
 - g. Otherwise substantially violated the provisions of the OEEC, the EC or the City Clerk's Rules and Regulations.
2. The City Clerk shall provide notice to the Participating Candidate that the City Clerk is contemplating revoking certification and the contemplated grounds therefor. The Participating Candidate may request an informal hearing before the City Clerk, which shall be held within three (3) days of notification that the Clerk is contemplating revocation. The City Clerk shall provide notice to the Participating Candidate of the City Clerk's decision within three (3) days of any informal hearing, or, if no hearing is requested, on the next business day after the time to request an informal hearing has expired.
3. A candidate whose certification has been revoked shall return all unspent funds to the City Clerk within three (3) days of notification of revocation, and may be required to return all funds distributed to the candidate.
4. A candidate whose certification has been revoked may be subject to civil penalties.
5. A candidate whose certification has been revoked may appeal that determination pursuant to Article XVI, Section 19 of the City Charter.

Distribution of Funds

1. The City Clerk's Office, though the Treasury Department, will distribute payment to certified candidates from the Fund electronically. Participating Candidates shall provide all necessary information for electronic transfer on the form prescribed by the Clerk.
2. The City Clerk will provide the final total to the Treasury Department to initiate the transfer of funds upon certification of a Participating Candidate and calculation of the funds due to Participating Candidates (ie: the distribution minus seed money collected and swipe fees due to the City). The transfer of funds is subject to banking regulations and funds are typically available one business day after the transfer is initiated.
3. The Clerk shall distribute funds in accordance with the OEEC Section 12 subject to the availability of funds.

Re-payment of Funds to City

Participating Candidates shall return all funds that are unspent or unencumbered as of the date of the Regular Local Election to the City Clerk for deposit into the Fund. The date of the

Regular Local Election is the last day that candidates may spend or encumber funds. Candidates shall return the remaining funds within two (2) weeks of Election Day. The final campaign disclosure report filed by a Participating Candidate shall show the amount of unspent Seed Money and any unspent distributions from the Fund as well as the amounts refunded by the candidate to the City Clerk. OEEC § 8(C).

Part 10: Use of the Electronic Petition Site and Electronic QC Site

1. The City Clerk's Office will make available an electronic platform for candidates to collect petition signatures and Qualifying Contributions. The websites provided by the City Clerk's Office shall be the only electronic means for collection of petition signatures or Qualifying Contributions.
2. The electronic platforms should be used as an additional tool for collection of petition signatures and Qualifying Contributions. The City Clerk's Office is not responsible for user error, connectivity issues, or any other disruptions to the site that may occur during the course of the petition and Qualifying Contribution period.
3. The City Clerk's Office will work with the vendor to troubleshoot any issues that may arise with the website during the petition and Qualifying Contribution timeframe, but the website is provided as an additional tool for collection of petitions and Qualifying Contributions and should not be used as the sole means of collection for a candidate. Timeframes will not be extended if an issue occurs with the website. Similarly, the City Clerk's Office will work with any individual having issues with the website to assist them in troubleshooting. However, if an individual is unable to contribute or sign on the website, the City Clerk's Office will direct the individual to the candidate's campaign where they can find information on signing a petition or contributing a Qualifying Contribution on the traditional paper forms.
4. Candidates will be provided with their own login to the websites where they will be able to view or download their own data. The City Clerk's Office will provide weekly reports of verified petition signatures (for candidates participating in the City Clerk's verification process) and Qualifying Contributions. The reports merge data from the paper submissions and the electronic submissions and can be used by candidates for rehabilitation requests as described later in this document. Because this data is readily available to the candidate, the City Clerk's Office will not provide data from these websites to candidates through any means other than an IPRA request.
5. The websites will be made available to candidates at 8:00am on the first day of the petition or qualifying period and will be shut off at 5:00pm on the final day of the petition or qualifying period.

Part 11: Rehabilitation of Petition Signatures and QCs

1. Candidates will be provided with a list of accepted and rejected petition signatures and Qualifying Contributions each week. Rejected petition signatures or Qualifying Contributions will indicate a reason for rejection, including, but not limited to:
 - a. Not legible;
 - b. Not registered;
 - c. Incomplete;

- d. Felon;
- e. Not in jurisdiction;
- f. Not signed;
- g. Deceased; or
- h. Duplicate.

The City Clerk may, upon receipt of evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs, reject a petition signature or Qualifying Contribution that has been previously accepted if the City Clerk determines that the petition signature or Qualifying Contribution should have been rejected.

2. Candidates may request a signature or Qualifying Contribution be “rehabilitated” by providing the City Clerk’s Office proof that the rejection was made in error. For example, proof may include clarification of the voter’s name/address if the signature or Qualifying Contribution was rejected for illegibility, or current voter registration can be provided if the signature or Qualifying Contribution was rejected for not being registered or not registered in the correct district. This request shall be made promptly following notification from the City Clerk’s Office of the rejection.
3. Signatures or Qualifying Contributions that were rejected for incompleteness, or lack of signature would need to prove the original submitted document was complete by showing proof of the candidates copy of the petition or receipt. Signatures or Qualifying Contributions rejected because the contributor or signor appears as a felon, deceased, or a duplicate record will need to prove that the City Clerk’s Office made that determination in error. Candidates may request the City Clerk’s Office to review these records.

Part 12: Write-In Candidates

Write-In Candidates are permitted in regular local elections. In accordance with Section 1-22-8.1 NMSA:

1. Write-in candidates shall be permitted in regular local elections.
2. A person may be a write-in candidate only if the person has the qualifications to be a candidate for the position for which the person is running.
3. A person desiring to be a write-in candidate for an office shall file with the proper filing officer a declaration of candidacy. The declaration shall be filed between 9:00 a.m. and 5:00 p.m. on the sixty-third day preceding the date of the election. The county clerk shall ensure that a declaration of candidacy filed pursuant to this section specifies that it is for a write-in candidate.
4. At the time of filing the declaration of candidacy, the write-in candidate shall be considered a candidate for all purposes and provisions relating to candidates in the Local Election Act, except that the write-in candidate's name shall not be printed on the ballot nor posted in any polling place.

Part 13: Disclaimers

The following disclaimers are required on all campaign materials broadly distributed in support or opposition of a candidate or ballot measure:

Required Disclaimers

1. Each candidate and each chairperson of each Measure Finance Committee shall ensure that all printed campaign materials specify (1) the name of the campaign or committee that authorized the printing or distribution of such material, and (2) 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.
2. If the campaign material is broadcast via audio, the disclaimer shall be spoken at the end of the communication. If the communication is visually broadcast, the disclaimer shall be printed clearly and legibly in a conspicuous manner. Text must appear in letters equal to or greater than 4% of the vertical picture height and be in color with a reasonable degree of contrast with the background of the communication to be visible.
3. All disclaimers must be clear and conspicuous regardless of the transmission medium. A disclaimer is not clear and conspicuous if it is difficult to read or hear, or if the placement is easily overlooked.
4. Disclaimers are not required to include the name of the campaign treasurer or MFC treasurer.

Disclaimer for Independent Expenditure

1. Disclaimer statements on campaign materials produced for the purpose of making an Independent Expenditure shall also, in addition to the requirements set forth above, include the words “paid for by” followed by the name of the entity making the Expenditure, its Chairperson, and the words “Top Five Donors” followed by a list of the five (5) persons or entities making the largest aggregate donations to the entity during the twelve (12) month period before the date of such communication, and shall state that it is not authorized by any candidate or candidate’s campaign committee.
2. Disclaimer statements appearing on any visual medium shall also be visible for the entirety of the communication.

Disclaimer for Coordinated Expenditure

1. Disclaimer statements on campaign materials produced for the purpose of making a coordinated expenditure shall also, among the requirements previously outlined in Required Disclaimers section, include the words “paid for by” followed by the name of the entity making the expenditure, its Chairperson, and the words “Top Five Donors” followed by a list of the five (5) persons or entities making the largest aggregate donations to the entity during the twelve (12) month period before the date of such communication and shall state that it is authorized by a campaign or committee and the communication must include the name of the campaign or committee that authorized the expenditure.
2. Disclaimer statements appearing on any visual medium shall also be visible for the entirety of the communication.

Disclaimer for an MFC Supporting or Opposing a Measure

1. Disclaimer statements on campaign materials produced by an MFC supporting or opposing a ballot measure must include the words “paid for by” followed by the name of the entity making the Expenditure, its Chairperson, and the words “Top Five Donors”

followed by a list of the five (5) persons or entities making the largest aggregate donations to the entity during the twelve (12) month period before the date of such communication.

2. Disclaimer statements appearing on any visual medium shall also be visible for the entirety of the communication.

Disclaimer for a Candidate Committee

1. Disclaimer statements on campaign materials produced by a candidate, must state that the communication was paid for by the authorizing committee.
2. Any broadcast, radio or television communications that are authorized and paid for by a candidate or a candidate's committee must include a visual (for broadcast) or audio (for radio) statement by the candidate stating that the candidate has approved the communication.

In-Kind Contributions of printed materials

Any In-Kind Contributions of printed materials used or distributed by a candidate, measure finance committee, political committee or political action committee must include the name or title of that candidate, measure finance committee, political committee or political action committee as the authorizing agent for the printing and distribution of the In-Kind Contribution.

Telephone calls, text messages, emails, and social media posts

Prerecorded automated telephone calls, scripted live telephone communications, automated text messages blasts, emails, and social media posts that name a clearly identified candidate during the 60 days before a regular or special election, or the 45 days before a runoff election, must clearly state the name of the person who made or financed the Expenditure for the communication. Telephone calls, peer-to-peer text messages, emails, and social media posts made for the purpose of researching the views of voters do not require the disclosure.

Campaign Finance Disclosure Statement

As a part of each Campaign Finance Disclosure Statement, every Candidate, Treasurer, or Chairperson shall submit a detailed accounting of any political communications that resulted in an Expenditure. This includes but is not limited to: signs, billboards, doorknockers, promoted or boosted social media posts, broadcast media, t-shirts, bumper stickers, or buttons. The Campaign Finance Report shall include certain details regarding such communications including size and quantity where applicable. Each Campaign Finance Report shall be accompanied with images or proof of how funds were expended. Images shall be submitted electronically to the campaign finance reporting site.

Exclusions

The requirements of this disclaimer rule do not apply to:

1. Handbills or other literature produced and distributed at a cost not exceeding \$100 and prepared by one or more individuals who are not required to register or file campaign finance reports with the City Clerk and who are acting independently of and without authorization by a candidate, candidate's authorized campaign committee, measure finance committee, party committee, political action committee or ballot question committee, or an agent thereof;

2. Campaign signs produced and distributed at a cost not exceeding \$100, paid for by one or more individuals who are not required to register or file campaign finance reports with the City Clerk and who are acting independently of and without authorization by a candidate, candidate's authorized campaign committee, measure finance committee, party committee, political action committee or ballot question committee, or an agent thereof;
3. Internet and e-mail activities costing less than \$100, paid for by one or more individuals acting independently of and without authorization by a candidate, candidate's authorized campaign committee, measure finance committee, party committee, political action committee or ballot question committee or an agent thereof;
4. Campaign signs that are financed by the candidate or candidate's authorized committee and that clearly identify the name of the candidate and are lettered or printed individually by hand.
5. Any campaign materials that a disclaimer cannot be conveniently printed (ex: pens, bumper stickers, pins, campaign buttons, etc.), or items where display is not practicable (ex: wearing apparel).

Part 14: Complaint Process

Any charge a candidate, candidate's committee, Measure Finance Committee, or any other group has committed a violation of the Election Code, Code of Ethics, Open and Ethical Elections Code, or the Rules and Regulations promulgated by the Board or the City Clerk shall be made in writing, notarized and brought before the City Clerk.

1. The complaint must meet the following criteria:
 - a. The Clerk's complaint form must be used and all information requested by the form must be provided, including:
 - b. Complainant's name, address, and telephone number;
 - i. Complaints may be made by an individual, or a registered campaign or committee. If a complaint is made by a registered campaign or committee, an agent for the campaign or committee must be named as the contact for the committee in regards to the complaint.
 - c. Legal representation of the Complainant, if any;
 - d. The Respondent's name, address, and telephone number;
 - e. If the Respondent is a candidate, the office or position sought;
 - f. 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;
 - g. A reasonably detailed description of the alleged violation(s), including the Section(s) or Part(s) of the Election Code, Code of Ethics, Open and Ethical Elections Code, or Rules and Regulations of the Board or City Clerk allegedly violated, an explanation of how the Complainant believes the Election Code, Code of Ethics, Open and Ethical Elections Code, or Rules and Regulations of the Board or City Clerk were violated, and any other pertinent information;
 - h. A description of the inquiry undertaken regarding the alleged violation;
 - i. Evidence supporting the Complainant's allegations, including but not limited to:
 - i. The names and telephone numbers of persons who may be witnesses to the facts;

- ii. A copy or picture of any political advertisement(s) Complainant references;
 - iii. A copy of each document Complainant references; and
 - iv. Any other evidence supporting Complainant's allegations.
- j. 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.
 - k. If, after a reasonable inquiry under the circumstances, the Complainant is unable to certify that certain specifically identified allegations are supported by evidence, the Complainant may also certify that: To the best of Complainant's knowledge, information, and belief, there are grounds to conclude that those specifically identified allegations are likely to be supported by evidence after a reasonable opportunity for further inquiry;
 - l. The Complainant's notarized signature immediately after the certification or certifications.
 - m. A single Respondent has been named in the complaint. A single complaint cannot be filed against more than one respondent; (Respondent may be a committee, party, or organization.)
 - n. The complaint must not be submitted anonymously;
 - o. All exhibits or attachments referenced in the complaint have been included with the complaint;
 - p. The complaint was signed by the Complainant under oath in the presence of a notary public or other person authorized by law to administer oaths;
 - q. The complaint contains the original signature of the Complainant;
 - r. The complaint alleges a violation of the Election Code, Code of Ethics, Open and Ethical Elections Code, or Rules and Regulations of the Board and/or City Clerk;
 - s. The complaint contains specific facts upon which the Complainant bases the allegation of a violation of the Election Code, Code of Ethics, Open and Ethical Elections Code, or Rules and Regulations of the Board and/or City Clerk;
 - t. The complaint alleges a violation occurred within 120 days of the date the complaint is filed with the City Clerk; and
 - u. The complaint is based on personal knowledge or information other than hearsay. Complainant should differentiate between statements based on the Complainant's personal knowledge and those based on information and belief. Statements not based on personal knowledge should identify the source of the information.
2. Upon receipt of the filed complaint, the City Clerk must promptly notify the Respondent and provide the Respondent with a copy of the complaint by the most expeditious means available.
 3. Notwithstanding any other provision of the Rules and Regulations of the Board, within three business days after the complaint is filed with the City Clerk, the City Clerk will review the complaint to ensure it meets the requirements of this Part. The City Clerk's review is only for facial compliance with the requirements and the City Clerk shall not make any determinations regarding the merits of the complaint at this stage. The City Clerk may reject the complaint, refer the complaint to the Board of Ethics, or reject part of the complaint and refer part of the complaint.
 4. If the complaint fails to comply with one or more of the requirements of this Part or is otherwise incomplete, the City Clerk must reject the complaint and give written notice to

the Board, the Complainant, and the Respondent of the reasons for the rejection.

5. If the complaint complies with the requirements of this Part, the City Clerk shall refer the complaint to the Board and set a date for an Evidentiary Hearing. The City Clerk may use the time prior to the Evidentiary Hearing to seek voluntary compliance from the Respondent through correction of the alleged violation. The City Clerk may also engage both parties in settlement negotiations. If the complaint is resolved by informal methods, the City Clerk shall give written notice to the Board and the Complainant of the details of the resolution.
6. If the complaint is rejected in part and referred in part, the complaint will be referred to the Board in accordance with subpart 1(g) above. The complainant may appeal the rejection or submit a new complaint, however, the referred complaint will be considered withdrawn.
7. In the event of a rejection of a Complaint, a Complainant may appeal the City Clerk's rejection to the Board within five business days. An appeal must contain the basis for the appeal and attach the original complaint and the City Clerk's rejection notice. Complainant may also submit a new Complaint to the City Clerk's Office.

Part 15: Runoff Election

1. Runoff Elections are considered a new election rather than a continuation of the General Election. Individual Contribution limits, including In-Kind Contribution limits, and aggregate limits for Participating Candidates are reset the day after the General Election.
2. For Participating Candidates, the day after the General Election, the City Clerk's Office shall make available the updated aggregate limits for each applicable district and provide each candidate with the amount of their runoff distribution. Participating Candidates have the option to take public financing in the runoff election, or become a privately financed candidate.
3. If a Participating Candidate remains a Participating Candidate, within three business days following the general election, the candidate shall return any unspent or unencumbered funds from the general election distribution to the City Clerk's Office in the form of a check or money order made out to the City of Albuquerque. A new distribution will be made to the candidate within three business days.
4. If a Participating Candidate chooses to be a privately financed candidate for the runoff election, the candidate shall return any unspent or unencumbered fund from the general election distribution within two weeks of the date of the general election to the City Clerk's Office in the manner described above. The candidate may raise Contributions and make Expenditures outside of the restrictions of the OEEC once the candidate has notified the City Clerk's Office of their decision.

Use of Public Resources by Candidates Currently Holding Office

In addition to the prohibitions on the use of public property and city employees contained in Article XII, Sections 6-7 and AI 4-5, the following regulations apply to all elected officials running for any covered office. Candidates currently holding office in the County or State should refer to regulations issued by the County or State.

1. The Board of Ethics may assess penalties for violations of Article XII, Sections 6 & 7,

and consider such violations as In-Kind Contributions that will count towards a candidate's Expenditure limit.

2. Elected Officials who are candidates may not include campaign information on their official website, and may not link to their official website from their campaign website.
3. Mass Communication distributed within three (3) months of an election using government resources must not:
 - a. Contain campaign-related, electioneering, or promotion language; or
 - b. Contain contact information for the elected official's campaign.
4. Elected official's travel may be paid for with governmental funds only if the primary purpose of the trip is the conduct of official business. As a general matter, an elected official, while on official travel, may engage in incidental campaign or political activity, provided that no additional travel expenses are incurred as a result. However, when the primary purpose of a trip is in fact the conduct of campaign or political activity, then the travel expenses must be paid with campaign funds and cannot be paid with governmental funds.
5. An elected official may make nonpartisan voter registration information available in the elected official's office, but may not make campaign materials available in the elected official's office.

Forms

Required for All Candidates

1. Declaration to Seek Elected Office
2. Acknowledgement of Responsibility for Campaign
3. Acknowledgment of Charter, Code, Training on Petition and QC, and Rules and Regulations
4. Declaration of Candidacy – Issued by the County Clerk
5. Designation of Representatives, Definition of Representative
6. Candidate Contact Sheet

Additionally Required for Publicly Financed Candidates

1. Acknowledgement of the OEEC
2. Declaration of Intent to Seek Public Financing
3. Application for Certification

Additional Forms – As Needed

1. Withdrawal as a Candidate
2. Withdrawal as an Applicant Candidate, switch to Private Financing
3. Withdrawal as a Participating Candidate
4. Decline Training in Campaign Finance Reporting Site

Measure Finance Committees

1. MFC Registration
2. Committee Contact Sheet
3. Closure of Committee