

ALBUQUERQUE BOARD OF ETHICS AND CAMPAIGN PRACTICES

ADVISORY OPINION #AV 05-2025

September 10, 2025

QUESTIONS: The requester, Alexander Uballez, seeks clarification on two issues:

1. Whether the Election Code or other City campaign regulations allow a privately-financed candidate to accept contributions from an individual who prefers not to disclose a residential address for one of the following reasons:
 - They reasonably fear that disclosure of their residential address could endanger them or their families because of the nature of their employment;
 - They are a member of the U.S military stationed overseas who uses a “PSC” box as their military mailing address; or
 - They are traveling internationally for an extended period and prefer to use a local post office box address.
2. May a privately-financed mayoral candidate accept contributions from either an individual contributor whose employer uses a PO Box address, or a business who uses only a PO Box due to the nature of their work?

The requester offers seven examples of contributions that implicate those questions. In each case, either the contribution was returned to the contributor, or the contributor ultimately provided a street address for inclusion in an amended campaign finance disclosure. The examples are:

- An out-of-state prosecutor (Contributor A) who expressed concern that disclosure of a residential address could pose a threat to the personal safety of the contributor or the contributor’s family;
- A local criminal defense attorney (Contributor B) expressed a similar concern and suggested that a state law exception might apply (citing NMSA 1978, § 1-1-27.1 (2023) and 1.10.37 NMAC);
- A retired individual traveling internationally (Contributor C) who does not have a residential address “and would prefer to use their local P.O. box address”;
- A Judge Advocate (Contributor D) who is stationed overseas and would prefer to use a military mailing address;
- Three individuals (Contributors E-G) employed by entities that prefer to use a PO Box, “in some cases due to the [unspecified] sensitive nature of their work.”

CONCLUSION:

Under the Charter, residential addresses need be disclosed only for contributors who are individuals and either retired or not employed. For individual contributors as well as contributors who are entities, a mailing address suffices.

ANALYSIS:

The relevant Charter provision is Article XIII, Section 4(d)(1)(B), which requires that each candidate for Mayor, City Council, as well as each Measure Finance Committee shall disclose all contributions, in pertinent part, as follows:

When the contributor is an individual, the name and address of the contributor, the contributor's principal business or occupation, the name and address of the contributor's employer, if self-employed, the address of the contributor's employer's business. If the contributor is retired or not employed, the residential address of the contributor shall be disclosed. When the contributor is an entity other than an individual, the name and address of the contributor, the business or activities conducted by the contributor and the owners and managers of the contributor. . . .

The only express requirement for residential addresses are where "the contributor is retired or not employed." The Charter does not include the word "residential" in the language applicable to all individual contributors, using only the phrase "name and address" for both the contributor and the contributor's employer. Similarly, the Charter does not include a "residential" or "street" requirement for disclosing the "name and address" of a contributor who is a non-natural person.

The inclusion of "residential" for one type of contributor (an individual who is not employed or is retired) and its omission from other types of contributors is presumed to be intentional. *See, e.g., Roser v. Hufstедler*, 2023-NMCA-040, ¶ 9 ("The Legislature knows how to include language in a statute if it so desires . . .") (quoting *State v. Greenwood*, 2012-NMCA-017, ¶ 38).

If Section 4(d)(1)(B) did not use "residential" at all, the meaning of "address" would be ambiguous and require further construction; conversely, if Section 4(d)(1)(B) used "residential address" (or more likely, to account for non-natural person contributors, "street address"), it would be clear that a residential or street address was required for all contributions. But here, where "residential" is used only in one instance, it is presumed that the Charter intended that a residential address must be disclosed only "[i]f the contributor is retired or not employed"

Moreover, the legislative history reflects that the omission of "residential" from the current Charter is intentional. In 2006, the City Council amended the relevant section (then codified as Section 4(c)(1)(B)) to strike "and residential street address," requiring only the contributor's name. *See* O-36 (June 19, 2006) (as introduced), available at <https://cabq.legistar.com/View.ashx?M=F&ID=2250025&GUID=92AA4773-08DE-4049-A0B8-B9A1A1B88F2E>; ROA 34-2006 (final committee substitute), available at <https://cabq.legistar.com/View.ashx?M=F&ID=2250354&GUID=7746204F-BC39-4932-8DBB-85D1373BAFAC>. Note that this amendment retained the requirement that the residential address

of individual contributors who are retired or not employed, and that even in the provision prior to amendment, the City did not require disclosure of a “residential” or “street” address for an individual contributor’s employer or a contributor that was a nonnatural person. *See id.* The current requirement that all individual contributors’ addresses be disclosed was added in 2022. *See* O-2022-042 at 9-10 (July 14, 2022). The Council did not, at that time, return to the former “residential street address” formulation that was in effect before 2006, but the requirement of a residential address for unemployed or retired individual contributors remained unchanged.

This conclusion does not, however, fully answer the requester’s questions. Contributor C is identified as “retired individual traveling internationally (Contributor C) who does not have a residential address ‘and would prefer to use their local P.O. box address.’” Under the language of the Charter, this individual would be required to disclose a residential address.

Although the request states that Contributor C does not have a residential address, both the framing of the overall question (asking whether residential addresses must be disclosed for contributors who “are traveling internationally for an extended period and *prefer* to use a local PO Box address” (emphasis added) and the description of the particular contributor as “*prefer[ring]* to use their local P.O. box address” (emphasis added) make it unclear whether this contributor has a residential address that is disused, or does not, in fact, have any residential address.

If the contributor does not, in fact, have a residential address, the Board deems that disclosing a P.O. box address would meet the requirements of the Charter, although “none” would also accurately reflect the contributor’s address. It is worth noting that New Mexico is a poor and rural state, and that there may be retired or unemployed individuals who either lack a residence or live in sufficiently remote areas as not to have a residential address.¹ Some of those individuals may nevertheless wish to participate in the political process, including by contributing to their preferred candidates. Thus, if an individual contributor truly has no residential address, disclosure of that fact is sufficient to meet the requirements of the Charter.

This guidance should not be interpreted to suggest that a retired or unemployed individual who has a residential address, but would prefer that it not be disclosed, should attempt to evade the Charter’s disclosure requirements by disclosing either a post office box or no address whatsoever.

¹ Indeed, for purposes of voter registration, where identifying a voter’s precinct is essential to determine the elections in which a voter is entitled to participate, New Mexico law expressly contemplates that voters may not have a specified physical address and thus permits voters to specify a mailing address together with a description indicating place of residence so that the voter may be assigned to a precinct. *See* NMSA 1978, § 1-4-5.3 (2007).