



OFFICE OF INSPECTOR GENERAL
City of Albuquerque

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Report of Investigation

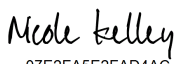
FILE NO: 21-0004-I

DATE: August 16, 2021

SUBJECT: The Board of Ethics & Campaign Practices requested the Office of Inspector General conduct an investigation into the complaints received regarding the qualifying contributions collections and signature process for Mayoral candidate Manuel Gonzales III.

STATUS: Final

INVESTIGATOR: J. S.

DocuSigned by:

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NICOLE KELLEY, ACTING INSPECTOR GENERAL

DISTRIBUTION:

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Executive Summary

At a hearing held on July 16, 2021, the Board of Ethics & Campaign Practices (BOE or the Board) voted to accept requests for referrals for investigation to the Office of Inspector General (OIG). The requests were filed by the Office of the City Clerk and a complainant against the campaign of Manuel Gonzales III for Mayor. On July 16, 2021, Complainant submitted a “Request for Referral to the Office of Inspector General” in this matter. That Request sought an investigation into “whether [Respondent] has engaged in pattern and practice of submitting Fraudulent Qualifying Contributions (QC).” The Request further sought an investigation into whether Mr. Gonzales “knew or should have known that representatives acting on his behalf submitted falsified acknowledgement forms for Qualifying Contributions to the City Clerk.”

The complaint alleged that Mr. Gonzales’ campaign had violated City Charter, election laws, and the City Clerk’s rules surrounding the collection of qualified contributions. Candidates seeking office as a publicly financed candidate are required to collect \$5.00 qualifying contributions (in the form of cash, check, debit card, credit card or money order payable to the Open and Ethical Election Fund) and the voter’s signature from 1 percent of voters registered in the district they are seeking to represent. Qualifying Contributions and Petitions differ in that:

- Petitions are required by state law and require that each Mayoral Candidate receive 3,000 verified signatures from registered voters in the City of Albuquerque in order to qualify as a candidate for the ballot.
- Qualifying Contributions are \$5.00 contributions from registered voters in the City of Albuquerque (COA), which require an accompanying signature from the verified registered voters in order to receive public financing as a candidate. Each mayoral candidate for the 2021 election cycle is required to receive 1% of the COA population, or 3,779 Qualifying Contributions.

By unanimous vote, the Board determined to have an investigation conducted into the alleged violations of aspects of the Code of Ethics, the Election Code, and the Open and Ethical Elections Code as set forth in the Complaint. By further unanimous vote, the Board of Ethics voted to utilize the Office of Inspector General to conduct the investigation and provide the Board with a written report on the results of the investigation no later than August 16, 2021.

The OIG investigation was limited to the allegations asserted by the complainants in their complaints and as outlined by the Board. These included the issues described in the Summary of Allegations section below. The methodology consisted of interviewing the complainants, the City Clerk and his deputy, a random sample of registered voters, the candidate and members of his campaign, and reviewing relevant city laws, regulations, and pertinent documents. Specifically, the OIG conducted a three-part testing for this investigation:

1. The OIG interviewed a random sample of 239 individuals from the 2,025 total accepted paper qualifying contribution forms submitted by the Gonzales campaign;
2. The OIG selected a random sample of 28 signatures that were included in Keller campaign’s complaint filings (It should be noted that 6 of the 28 were captured in the 239

random sample, OIG then randomly selected an additional 22 from the Keller campaigns analysis for testing); and

3. The OIG selected a sample of individuals with QC signature dates on the same date a meeting held on May 27, 2021 for a local organization in which Mr. Gonzales attended as a speaker.

More detailed results are identified below in each section, however, in summary, below please find highlights of the various testing:

- Based on a random sample of accepted paper signatures tested, OIG found 23 instances where individuals indicated that they did not sign the QC form and did not pay the \$5.00. These instances were not isolated to just one campaign signing representative, but rather involved 11 different campaign representatives from the Gonzales campaign.
- OIG identified 15 instances where individuals indicated that they signed the QC receipt but did not pay the \$5.00 and five instances where individuals indicated that they signed the QC receipt but did not recall whether they paid the \$5.00.
- Mr. Gonzalez had the highest number of instances where individuals indicated that they signed the QC receipt but did not pay the \$5.00 – signing 4 (20 percent) of the 20 QC receipts where the individual indicated that they signed the QC but did not pay or did not recall paying the \$5.00.
- Of the 28 samples selected from the Keller Campaign’s analysis, the OIG was able to obtain confirmations from 18 (64 percent). Of these 18 confirmations, the OIG found that eight individuals reported that they neither signed the QC form nor paid the corresponding \$5.00. One other individual reported that they did sign the QC form but did not pay the \$5.00. The other nine individuals reported that they signed the QC receipt and paid the corresponding \$5.00.

The OIG found that many citizens interviewed expressed confusion of the difference between the petition and the QC and their purpose. In addition, citizens spoken to often times would use the term ‘donation’ to describe the \$ 5.00 contribution and were unaware of where these monies were applied. It should be noted as there were instances in which individuals stated that they paid the \$ 5.00 with a petition (when in fact that is not the process detailed below) or that they donated \$5.00 to the campaign (when in fact that money is not for the campaign, directly, but to the process for the candidate to attempt to obtain funding).

Abbreviations

COA – City of Albuquerque

BOE or the Board - Board of Ethics & Campaign Practices

IG – Inspector General

OIG – Office of the Inspector General

QC – Qualifying Contributions

SERVIS – State Elections Registration and Voting Integrity System

History and Background

The City Clerk is responsible for activities encompassing City elections and for promulgating regulations as required by the Open and Ethical Elections Code. The regulations provide procedures and campaign deadlines that must be adhered to by candidates running for Mayor or City Council who elect to seek eligibility to receive public financing. The Board of Ethics & Campaign Practices (BOE or the Board) provides oversight of City elections to ensure compliance with election related laws, including the Code of Ethics (City Charter Article XII), the Election Code (City Charter Article XIII), and the Open and Ethical Elections Code (City Charter Article XVI). This oversight includes, but is not limited to, receiving and investigating complaints regarding possible violations of the Code of Ethics, the Election Code, the Open and Ethical Elections Code, and/or rules promulgated by the Board and/or the City Clerk.

According to City Charter, the Board may “choose to ask for an investigation of allegations brought before it rather than simply hearing charges; to do this, it may temporarily employ or contract with investigators and require investigation by City staff assigned to the Board or by the Office of Internal Audit and Investigations¹ upon acceptance of the complaint after holding a preliminary hearing. The Board shall direct and limit the scope and nature of all such investigations. No such investigation shall be undertaken unless it is specifically authorized and defined by the Board.”

As outlined in the Albuquerque Code of Ordinances §2-17-2 the organization and administration of the OIG “shall be sufficiently independent to assure that no interference or influence external to the Office adversely affects the independence and objectivity of the Inspector General.” The Inspector General's goal is to conduct investigations in an efficient, impartial, equitable and objective manner. To this point, the OIG reports neither functionally nor administratively to the Mayor or City Council.

Summary of Allegations:

Holguin I v. Gonzales, 01-2021

The complaint states that Manuel Gonzales III attended a local advisory board meeting in which he solicited petition signatures and \$5.00 contributions in his bid to qualify for the ballot and for public financing of his campaign for Mayor. The complaint alleges a single instance where Mr. Gonzales refused an offer of a \$5.00 qualifying contribution and collected the qualifying contribution receipt from an individual without collecting the required donation. The complaint further alleges that Mr. Gonzales offered to cover the \$5.00 qualifying contribution for this individual and submitted the associated signature to the City Clerk’s Office to be counted towards obtaining public financing for his campaign.

¹ In 2011 the Office of Internal Audit and Investigations was separated into two separate offices, the Office of the Inspector General and the Office of Internal Audit.

Respondent's Answer to the Holguin I v. Gonzales, 01-2021 Complaint

Mr. Gonzales (the Respondent) denies the allegation that he offered to cover the \$5.00 qualifying contribution alleged in the complaint. According to the response filed, the Respondent is without sufficient information to ascertain whether the individual paid \$5.00 in relation to his qualifying contribution receipt.

Holguin II v. Gonzales, 02-2021

The complaint states that members of the Tim Keller campaign staff reviewed a sample of qualifying contributions receipts submitted by the Gonzales campaign and identified a number of QC receipts in which the signature of the contributor appears to have been forged. Specifically, the complaint alleges:

1. That in some instances the signature on a qualifying contribution receipt does not match the signature on the individual's voter registration card and/or recent petition.
2. That in some instances where the Gonzales campaign submitted two qualifying contribution receipts on behalf of a voter, neither of the signatures match the individual's voter registration card and/or petition recently signed by the voter.
3. In other instances where the Gonzales campaign submitted two qualifying contribution receipts on behalf of a voter, the signatures on the two receipts did not match each other, and only one of the signatures matches the signature found on the individual's voter registration card and/or a petition recently signed by the voter.

Review of Relevant City Ordinances, Rules, and Regulations:

The OIG reviewed relevant City laws, regulations and pertinent sections of these documents which are listed below under the appropriate section.

Article XIII – Election Code:

Section 2, Definitions for terms used in this report:

(b) "Board" means the Board of Ethics and Campaign Practices established pursuant to [Article XII](#) of this Charter.

(d) "Candidate" means any individual who has (1) obtained a nominating petition from the City Clerk pursuant to Section 4(c)1.D. of this Election Code for the office of Mayor or Councilor, (2) filed an affidavit on a form approved by the City Clerk, stating that he or she is a candidate for either the office of Mayor or City Councilor, (3) filed as a

candidate for elected office as required by law, whichever first occurs, or (4) has received or solicited contributions or made expenditures of one thousand dollars (\$1,000) or more or authorized another person or campaign committee to receive or solicit contributions or make expenditures of one thousand dollars (\$1,000) or more for the purpose of seeking election to the office.

(g) "Contributions" means:

1. Monies, loans, debts incurred, obligations incurred, property in-kind, including the use thereof, or commercial or professional services:

A. Incurred or received by a candidate, the candidate's treasurer, the Candidate Finance Committee, or a member thereof on behalf of the candidate, or by a Measure Finance Committee or a member thereof on behalf of the Committee. For the purposes of this Subsection, a debt or obligation shall be considered incurred at the time authorization is given or contract made for the debt or obligation.

B. Not received by a person or entity named in Subparagraph A above, but expended or employed on behalf of a candidate or measure, where such monies, loans, debts incurred, obligations incurred, property in-kind, or commercial or professional services have been solicited or otherwise consented to by such committee or have been expended or employed in a manner or amount directed, authorized, either expressly, by implication, or consented to by such committee.

Section 7, Familiarity with Election Code and Rules and Regulations:

The Board and Clerk shall have available on request by candidates and chairpersons of Measure Finance Committees, copies of the Board's Rules and Regulations, the Clerk's Rules and Regulations, and the City Charter of Albuquerque, revised to date, and require that each candidate filing a Declaration of Candidacy and each chairperson of a Measure Finance Committee acknowledge in writing receipt of and familiarity with the terms of this Election Code, the Clerk's Rules and Regulations, and the Board's Rules and Regulations. Each candidate and chairperson shall furnish an address and phone number at which the candidate or chairperson can be reached, and to which communications, including notifications of alleged violations or hearings, can be mailed or delivered, and agreeing that notice left at such address shall be deemed received by the candidate or chairperson.

Article XVI – Open and Ethical Elections Code:

Section 3, Definitions for terms used in this report:

(P) **QUALIFYING CONTRIBUTION.** A donation of \$5.00 in the form of cash, check, debit card, credit card or money order payable to the Fund in support of an Applicant Candidate that:

- (1) for the Mayoral race is made by a registered City voter and for a Council race is made by a registered City voter residing in the district in which the Applicant Candidate desires to represent;
- (2) is made during the designated Qualifying Period and obtained through efforts made with the knowledge and approval of the Applicant Candidate;
- (3) is acknowledged by a receipt that identifies the contributor's name and residential address on forms provided by the Clerk and that is signed by the contributor, one copy of which is attached to the list of contributors and sent to the City Clerk; and
- (4) identifies which Applicant Candidate the City resident supports.

(Q) **QUALIFYING PERIOD.**

- (1) For Mayoral Applicant Candidates the Qualifying Period begins 199 days before the election, and ends 136 days before the election.

Section 5, Qualifying Contributions:

- (A) An Applicant Candidate for Mayor shall obtain Qualifying Contributions from a minimum of 1% of registered City voters.
- (B) An Applicant Candidate for Council shall obtain Qualifying Contributions from a minimum of 1% of the City voters registered in the district that the Applicant Candidate desires to represent.
- (C) No payment, gift or anything of value shall be given in exchange for a Qualifying Contribution.

Section 9, CANDIDATE REPORTING REQUIREMENTS.

- (A) The Clerk shall publish guidelines outlining permissible campaign-related Expenditures.
- (B) Applicant Candidates shall file Qualifying Contributions with the Clerk during the Qualifying Period according to procedures developed by the Clerk. In developing these procedures, the Clerk shall use existing campaign reporting procedures and deadlines whenever practical.
- (C) Participating Candidates shall also report Expenditures according to the campaign reporting requirements specified in the Election Code.

2021 Regulations of the Albuquerque City Clerk for the Open and Ethical Elections Code:

Part F: The City Clerk's office shall verify petition signatures in accordance with NSA 1978, Section 3-1-5.

Section 14: Verification of Qualifying Contributions: Using the New Mexico Secretary of State's and Bernalillo County Clerk's Voter Registration System, staff will physically verify each contribution by comparing the contributor's name, address, and signature on the receipt to the voter registration rolls, and ensuring that the requirements noted above in Subpart C(5)(a) are met.

Requirement of Candidate and Reason for Testing:

As per the 2021 Candidate Guide, available on the City's public website, beginning April 17, 2021, any candidate for Mayor was able to begin collecting qualifying contributions from citizens. Candidates must submit to the City Clerk 3,000 verified signatures from registered voters in the City of Albuquerque (in the form of the petitions). This is also referenced in City Charter Article II, § 4 and ROA 1994, § 2-4-13.

Candidates seeking office as a publicly financed candidate are required to collect \$5 qualifying contributions from voters registered in the district they are seeking to represent. (Albuquerque City Charter Article XVI, Section 5). A Mayoral Candidate must obtain qualifying contributions from 1% of registered voters in the City of Albuquerque. For the 2021 election cycle, this number for Mayor is 3,779. The signature period was from April 17 – June 19 (§ 2-4-13).

The City Clerk will provide candidates with qualifying contribution books that contain receipts for contributions. The books are pre-printed, and the candidate must fill in their name and what district they are campaigning to represent. The books contain three pages for each receipt: the pink page is the contributor's receipt, the white original is for the City Clerk, and the yellow is the candidate's copy. Candidates must obtain books from the City Clerk and they, or their representative, must sign an Acknowledgement of Receipt for the number of books received. Candidates shall submit books back to the Clerk with original white pages intact. All books must be returned by the end of the Qualifying Period, though candidates should return completed books at the end of each week so that the Clerk's office can verify contributions on a rolling basis.

Soliciting Qualifying Contributions:

Candidates may solicit qualifying contributions from all registered voters in the district the candidate seeks to represent. It is the candidate or candidate's representative's responsibility to ensure that the receipt books are filled out accurately, including a signature from the contributor.

All the information on the receipt book can be filled out by someone other than the contributor, but the contributor must sign the receipt on their own. All \$5 contributions must be paid by the contributor. If any of the funds are provided by someone other than the contributor listed on the receipt, those contributions will be deemed fraudulent.

Scope and Methodology of the Investigation:

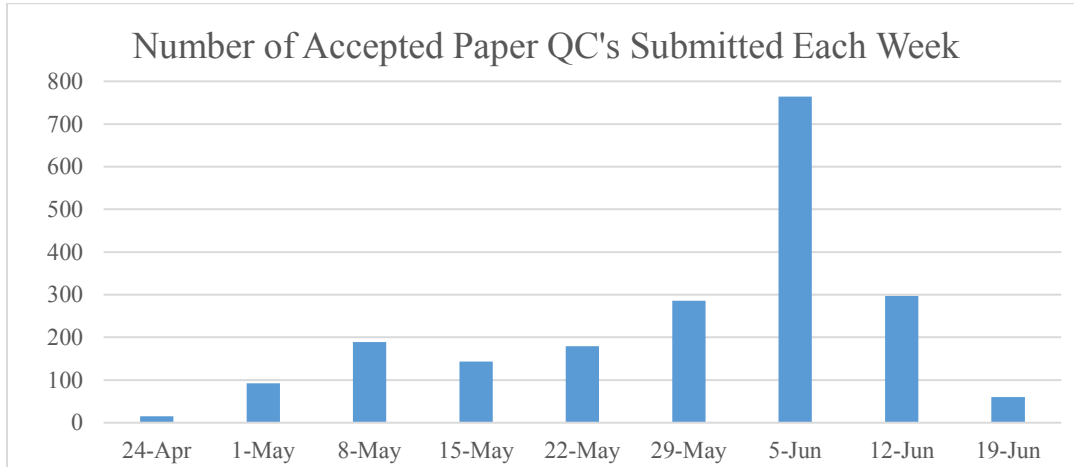
The OIG investigation focused on the allegations asserted by the complainants in their complaints and as outlined by the Board. These included the issues described in the Summary of Allegations section above. The methodology consisted of interviewing the complainants, the City Clerk and his deputy, a sample of registered voters, the candidate and members of his campaign, and reviewing relevant city laws, regulations, and pertinent documents.

Candidate qualifying contributions can be obtained via an electronic qualifying contribution site <https://cleancampaign.cabq.gov/>, which is managed by the Office of the City Clerk, or through paper Qualifying Contribution signature booklets. Registered voters are only allowed to donate once to the same candidate, either electronically or physically on a paper form, not both. In order for an electronic or physical qualifying contribution signature to be accepted, the individual must meet certain criteria, such as be a registered voter in the City of Albuquerque, not be a convicted felon, not be deceased, legibly complete and sign the qualifying contribution receipt of their own free will and contribute \$5.00.

Electronic signatures are automatically verified at the time of the contribution via an application programming interface through the Secretary of State's voter registration database. Paper contributions are submitted weekly by the campaign representatives to the City Clerk's Office and verified against the Secretary of State's voter registration database through the State Elections Registration and Voting Integrity System (SERVIS), which is managed by the New Mexico Secretary of State. The City Clerk's Office will reject paper qualifying contributions if the Clerk's Office is unable to locate the individual in the voter registration database with the information given on the receipt book, if the individual is not registered in the municipality of Albuquerque, if the individual is deceased, or if the receipt is illegible, or if a portion of the receipt is left incomplete.

The OIG observed the Office of the City Clerk run a report in SERVIS, detailing all qualified contribution signatures submitted by the Gonzales campaign. The report included 4,773 signatures, of which 2,164 were electronically collected via the City's electronic petition website (petitions.cabq.gov) and 2,609 were paper signatures. Of the total 4,773 signatures submitted by the Gonzales campaign, 591 (12.4 percent) were rejected for various reasons. Ultimately, 2,157 electronic signatures and 2,025 paper signatures were accepted. Of the 591 rejected signatures, 91 were rejected as duplicates – meaning more than one (often times 2 to 3 signatures) were submitted under the same voter identification number.

Due to the fact that allegations involved paper signatures, OIG focused its investigation on the validations of only paper signatures submitted. OIG analyzed the 2,025 accepted paper signatures by zip code and by number collected each week and found a high spike in the number of signatures submitted during the week ending June 5, 2021. Specifically, during the week ending June 5th, roughly three times as many signatures were submitted than many of the other weeks during the collection period. The graphs below detail this information. In total, 763 signatures were submitted during the week ending June 5, 2021 from 90 different circulators for the Gonzales campaign, four circulators accounted 355 signatures or over 47 percent of the total.



Week Ended	Accepted Paper QC's Submitted
24-Apr	15
1-May	92
8-May	189
15-May	143
22-May	179
29-May	286
5-Jun	764
12-Jun	297
19-Jun	60
Total	2025

There were 90 circulators who signed the Qualifying Contribution booklets submitted to the Office of the City Clerk. The tables below detail the number of qualifying contributions receipts submitted in the booklets signed by each circulator.

# of Circulators	# of Accepted QC Receipts
2	200 or greater
3	Between 100 and 199
3	Between 60 and 99
7	Between 30 and 59
75	Between 0 and 29
90	Total Circulators

According to the Office of the City Clerk, campaign circulators are assigned QC signature/receipt booklets. However, official policies or regulations for assigning circulators' booklets or requirements to maintain a list of campaign volunteers that are circulators do not exist. To this point, actual QC forms signed by voters may be signed by a different campaign representative or volunteer than the campaign circulator assigned to the QC booklet.

Circulator	# of Accepted Signatures
M Gonzales	246
M Martinez	243
M McMillan	118
C Loeber	117
D Cruz	108
A Corneal	82
B Kimball	79
J Lama	62
J Sanchez	56
L Koren	43
P Gutierrez	43
J Sanchez	42
J Zamora	37
P Montoya	32
J Melidanes	31
L Sanchez	27
D Crespín	22
M Gonzales	21
D Kearney	19
J Garcia	19
L Koren	18
S Quintana	18

Circulator	# of Accepted Signatures
V Massara	15
A Giannini	13
C CdeBaca	13
J Lopez	12
J Mora	12
G Ramirez	11
R Maesta	11
S Arreguin	11
M Koren	10
R Dilley	10
S Griego	10
C Vencill	10
A Salazar	9
C Arias	9
K Sigala	9
L Butle	9
M DeVesty	9
N Parlakes	9
P Burk	9
T McMillian	9
V Jameson	9
B Lueras	8

Circulator	# of Accepted Signatures
B Kinser	7
E Lowe	7
G Trujillo	7
J Abbin	7
W Lowry	7
E Mahn	6
G Chavez	6
M Gutierrez	6
R Chavez	6
A Santillanes	6
J Pitts	5
J Abbin	5
M Santistevan	5
A Baldonado	4
G Evans	4
R Valdez	4
V Kaben	4
W Dorian	4
C Arnett	3
M Collins	3
P Schaefer	3
A Campos	2

M Wiener	17	D Limon	8	E Varela	2
M Carter	17	G Maestas	8	F Garcia	2
R Sanchez	17	G Santistevan	8	L Francis	2
S Muth	16	J Maestas	8	R Toya	2
C Baloh	15	J Morning	8	S Manzanares	2
J Padilla	15	K Casias	8	C Gutierrez	1
M Fong	15	M Jamie	8	C Kim	1
Z Anaya	15	T Ingersoll	8	D Gonzales	1

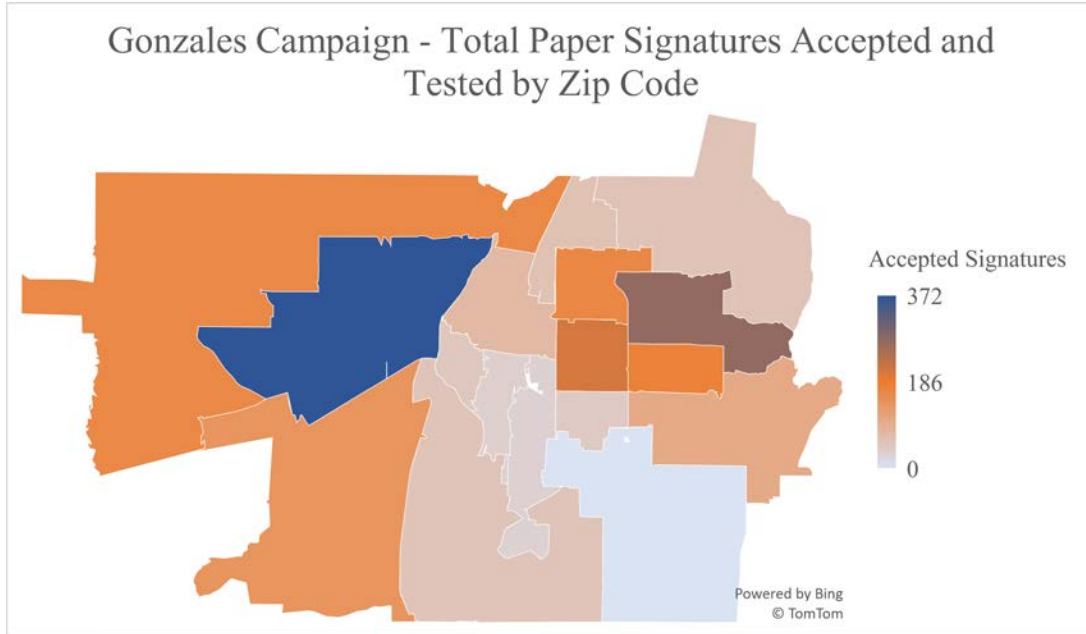
Every Tuesday, representatives from each campaign were required to meet with the City Clerk's Office to turn in any signature booklets, even those who may not have been complete, and the corresponding \$5.00 contributions obtained. The total money collection must match the number of signatures collected for each booklet, or the booklet would not be accepted.

The City Clerk's Office, after accepting any booklets of QC's, verifies the signature and the voter's registration status.

In order to ensure the completeness and accuracy of the 2,025 accepted paper QC signatures, OIG selected a sample of 25 rejected paper signatures and obtained a copy of the qualified contribution receipt form in order to verify that signature had been rejected for proper cause. OIG found that all 25 samples were in fact rejected for just cause.

Based on a population of 2,025 accepted paper signatures, a 5% margin of error and a 90 % confidence level, a recommended random sample size of 239 was determined. Random sampling ensures that results obtained from the sample should approximate what would have been obtained if the entire population (in this case 2,025 accepted paper signatures) had been measured. Further, random sampling allows for the results obtained from the sample tested to be extrapolated over the entire population.

OIG used a random number generator to select the 239 samples to be tested. The sample randomly selected included individuals from various zip codes, spanning across the collection period, and various campaign circulators and representatives. The map below details by zip code, the total number of accepted paper signatures submitted and the number of accepted paper signatures included in OIG's test work.



Testing Methodology and Results:

- 1. The OIG interviewed a random sample of 239 individuals from the 2,025 total accepted paper qualifying contribution receipts submitted by the Gonzales campaign.**

Beginning on July 20, 2021 and ending on August 13, 2021, four teams of two OIG and Office of Internal Audit (OIA) staff visited the home address listed on the Qualifying Contribution Receipts of 239 individuals. During each visit, the citizen was first asked to confirm their name and address, then shown and asked to verify their signature on the signed QC receipt and whether they in fact had signed the receipt. In addition, citizens were asked if they themselves donated the \$5.00 as required. Two OIG/OIA staff were required to certify the information reported by on the qualifying contribution receipt.

Based on a random sample of accepted paper signatures tested, OIG found 23 instances where individuals indicated that they did not sign the QC receipt and did not pay the \$5.00. These instances were not isolated to just one campaign signing representative, but rather involved 11 different campaign representatives from the Gonzales campaign. Ms. Martinez had the highest number of forged QCs where she was the signing representative, signing nine (39 percent) of the 23 possibly forged QC receipts and Ms. McMillan had the second highest, signing four or (17 percent) of the 23 possible forged QCs identified. It should be noted that Mr. Gonzales was not the signing campaign representative on any of the 23 possibly forged QCs identified. Further, one individual did not recall whether they signed the QC receipt or whether they paid the \$5.00 and 195 individuals indicated that they both signed the QC receipt and paid the \$5.00.

OIG also identified 15 instances where individuals indicated that they signed the QC receipt, but did not pay the \$5.00 and five instances where individuals indicated that they signed the QC receipt, but did not recall whether they paid the \$5.00. These exceptions were not isolated to just one campaign signing representative, but rather involved 14 different campaign representatives from the Gonzales campaign. Mr. Gonzalez had the highest number of instances where individuals indicated that they signed the QC receipt, but did not pay the \$5.00 – signing 4 (20 percent) of the 20 QC receipts where the individual indicated that they signed the QC, but did not pay or did not recall paying the \$5.00. While, Ms. Martinez had the second highest, signing three or (15 percent).

The findings show that for the population of voters that indicated that it was not their signature on the Qualifying Contribution receipt and/or voters that indicated that they did not pay the \$5.00 contribution, that those signatures were dated throughout the collection period and were not isolated to just one collection week.

When these finding are extrapolated against the entire population of 2,025 accepted paper QC's, OIG estimates total exceptions to approximate the following:

- 1,652 or 81.6 percent of the total population both signed the QC receipt and paid the \$5.00.
- 194 or 9.6 percent of the total population neither signed the QC receipt nor paid the \$5.00.
- 128 or 6.3 percent of the total population signed the QC receipt, but did not pay the \$5.00.
- 46 or 2.1 percent of the total population signed the QC receipt, but did recall whether they paid the \$5.00.
- 8 or 0.4 percent of the total population did not recall whether they signed the QC receipt or whether they paid the \$5.00.

As previously discussed, 2,157 electronic QC signatures were accepted. Thus, 1,622 valid paper QC signatures were needed to meet the 3,779 total QC signatures required to qualify for public financing.

According to the Respondent's Answer to the Holguin I v. Gonzales, 01-2021 Complaint "it does appear, upon the Gonzales campaign's own investigation, that many of the qualifying-contribution ("QC") receipts identified by the Holguin II complainant — while comprising a tiny fraction of the campaign's total validated number — were signed by someone other than the voter."

According to the Respondent's Answer to the Holguin I v. Gonzales, 01-2021 Complaint:

“Holguin I case involves an extremely isolated incident — extending to exactly one \$5 qualifying contribution (“QC”) — with no evidence whatsoever of a broader pattern that might tend to either seriously impugn the campaign’s (or even the Sheriff’s personal) overall QC collection efforts, or even to suggest that the isolated-incident narrative offered by Mr. Zantow is true.”

“The so-called fraud here occurred in a split-second, ambiguous, and easily misunderstandable statement that went uncorroborated by the other individuals, including mostly people unaffiliated with the campaign...”

OIG also spoke to attendees of the May 27, 2021 community meeting, of which two indicated that they did in fact sign the qualifying contribution receipt but that they did not pay the required \$5.00 qualifying contribution from the signors.

In regard to the May 27, 2021 meeting, it should be noted that Mr. Gonzales testified that he relied on campaign staff and played no role in ensuring the correctness of the \$5.00 documentation. “I have no supervision responsibility,” Gonzales said. “I’m the candidate. There’s volunteers and there’s paid staff and those people have their roles.”

In April, Mr. Gonzales signed a statement designating Ms. McMillan, Ms. Martinez, and Ms. Gonzales-Limon among three campaign representatives with authority to interface with the Office of the City Clerk regarding his candidacy. “I am fully responsible for the statements made and materials submitted by these representatives on behalf of my campaign,” the statement reads. Ms. McMillan and Ms. Gonzales-Limon are both unpaid volunteers, while Ms. Martinez was a paid staff who according to Mr. Gonzales was functioned like an “ad hoc campaign manager”.

Testing and interviews related to meeting are further discussed in the relevant sections below.

- 2. The OIG selected a random sample selection of 28 signatures that were included in Keller campaign’s complaint filings (6 of the 28 were captured in the 239 random sample, OIG then randomly selected an additional 22 from the Keller campaigns analysis for testing).**

While the same background information and regulations apply, the OIG sought to verify the samples provided in the initial complaint that was filed. The previous 239 samples were randomly selected from all accepted paper Qualifying Contribution receipts. This random sample was selected from the population included in the initial complaint filed by the Keller campaign.

Beginning on July 20, 2021 and ending on August 13, 2021, four teams of two OIG and OIA staff visited the address listed on the 28 individuals’ Qualifying Contribution Receipt. During each visit, the citizen was shown and asked to verify their signature and

if they in fact had signed this receipt, in addition, the citizen was asked if they themselves donated the \$5.00 as required. The results were as follows:

Of the 28 samples selection, the OIG was able to obtain confirmations from 18 (64 percent). Of these 18 confirmations, the OIG found that 8 individuals reported that they neither signed the QC form nor paid the corresponding \$5.00. One other individual reported that they did sign the QC form but did not pay the \$5.00. Meaning in both these instances, third party funding was obtained in connection with a forged Qualifying Contribution receipt. The other nine individuals reported that they signed the QC receipt and paid the corresponding \$5.00. Of the exceptions noted, Ms. Martinez was the signing representative on five of the QCs, Ms. McMillan was the signing representative on two of the QCs, and two other individuals were a signer on one QC each.

3. The OIG selected a sample of individuals with QC receipt dates on the same date a meeting was held on May 27, 2021 for a local organization in which Mr. Gonzales attended as a speaker.

Because the OIG did not know the number or all the names of the attendees of the meeting, OIG filtered accepted paper qualifying contribution signatures obtained on May 27, 2021, the date of the meeting. The OIG contacted the organization that held the meeting and asked for meeting minutes and a sign in sheet or any official document of what occurred at the meeting and who was in attendance. The organization was helpful in providing a copy of the meeting agenda however, wanted to verify with their legal department as to whether or not they could send the minutes and/or roster. As of the date of this report, there has not been further response or release of documents.

In the sample tested, the OIG was able to obtain confirmation from five individuals who attended the meeting. Of the five, two individuals stated that they neither paid nor signed the QC receipt, two individuals indicated that they signed the QC receipt, but did not pay the \$5.00, and one individual indicated that they both signed the QC receipt and paid the \$5.00. Ms. Martinez and Mr. Gonzales were the signing representative for each of the instances with exceptions.

According to the Respondent's Answer to the Holguin I v. Gonzales, 01-2021 Complaint:

“Importantly, the Holguin I incident has no relationship whatsoever with the broader-in scope allegations of the Holguin II case, as the Holguin I Complainant seems to recognize by not submitting any of that case's evidence in support of this Complaint. The Holguin I and Holguin II allegations differ in basic nature of the alleged violation (allowing third-party funding in connection with a QC receipt filled out by the voter, versus forging QC receipts for either nondonors or donors who didn't fill out a QC slip) ...”

Interviews:

Interview, Salvation Army (organization) Meeting Attendee (ORG-1)

On July 26, 2021, a telephone discussion was held with an attendee of the organizational meeting that was held on May 27, 2021 as cited in the initial allegation. During the telephone discussion:

ORG-1 made it clear that he did not want to be involved in this investigation, as this meeting was not made to be a political meeting. The meeting originally was a Board meeting set to discuss various organizational topics, one relating to law enforcement. Mr. Gonzales was invited to speak in regards to law enforcement initiatives supported by the organization.

ORG-1 stated that he believes there were many miscommunications as a result of what was reported regarding this meeting.

ORG-1 stated that the guest speaker, Mr. Gonzales, should not have made the meeting political.

Interview, Salvation Army (organization) Meeting Attendee (ORG-2)

On August 3, 2021, a telephone discussion with held with an attendee of the organizational meeting that was held as sited as part of the initial allegation. During the telephone discussion:

ORG-2 stated that Mr. Gonzales was invited to speak regarding a half-way house that the organization is involved with and to speak related to a general law enforcement.

ORG-2 shared the meeting's agenda which did not detail the purpose of the guest speaker and stated that he would seek guidance from the organization's legal department to see if he could provide the meeting minutes.

ORG-2 stated that when Mr. Gonzales introduced himself and spoke on the topic, he then shifted focus to the election and political discussions, which was not the intent of the invitation to speak.

ORG-2 stated that he did sign a QC form but did not give \$5.00.

ORG-2 does not recall being asked or told anything about the \$5.00, but also stated that the meeting was busy and lots of different things happened during this time.

ORG-2 stated that he signed and would support anyone and their right to go through the election and public process.

Interviews, City Clerk and Deputy City Clerk

Separate interviews were held with the COA City Clerk and the Deputy City Clerk on August 2 & 3, 2021, via Zoom. The purpose of these interviews was to discuss the election processes as it relates to the allegations detailed in the complaints. The City Clerk has held his current position

since March of 2020 and, prior to that, was the Deputy City Clerk. The current Deputy City Clerk has held that position since March of 2020 and has been employed with the City of Albuquerque for approximately four years.

In describing the process for a Mayoral candidate, in part, the City Clerk and Deputy City Clerk each individually described the process and stated:

- When someone decides that they want to run for Mayor, they need to decide if they are seeking to be publicly financed or if they will privately finance (in regards the campaign of Mr. Gonzales, he has chosen to seek public financing, therefore that track will be focused on for the duration of this report);
- Regardless of how a campaign is financed, each potential candidate requires petitions (officially titled 2021 Regular Local Election Nominating Petition, Form Rev. 201 NMSA 1978, § 1-8-30) signed by 3,000 registered COA voters;
- The role of the City Clerk's office, once any party submits the 3,000 petition signatures on the above-mentioned form, is to verify that each signatory is a registered voter. These signatures could have been online or on a paper document;
- A candidate and his team will then meet with City Clerk and staff and complete, review and sign:
 - A designation of Representatives Form with which the candidate identifies by name and phone number representatives for his/her campaign, on a form that states *I hereby designate the following individuals as representatives for my campaign for purposes of submitting materials to, or picking materials up from, the City Clerk's Office regarding my candidacy. I am fully responsible for the statements made and materials submitted by these representatives on behalf of my campaign. I hereby swear or affirm, under penalty of perjury under the laws of the State of New Mexico, that all the information on the uploaded form and on any attachment(s) are true, correct, and complete, to the best of my knowledge.*
 - A candidate Acknowledgement of Familiarity with Codes and Required Disclosures Form which states in part *I declare and acknowledge that I am familiar with the City Charter's Election Code, Rules and Regulation of the Board of Ethics and Campaign Practices relating to the Election Code of the City Charter as amended to date, and the 2021 Regulations of the Albuquerque City Clerk and acknowledgement receipt of same, and that notification mailed or delivered at the address below will be deemed received by me.*
- The Qualifying Contribution (QC) process involves receipt type booklets (or an online option) where citizens must sign and, in addition, provide \$5.00, payable to the Open and Ethical Election Fund:

- This form can be completed by a campaign volunteer but must be signed by the citizen;
 - This form must include the \$5.00 contribution, which is not a donation to the candidate, but rather to the public fund;
 - Additional funds cannot be donated or given to the candidate, change should be provided for larger bills; and
 - A husband and wife, with communal property, can provide combined monies, however, the individual must sign themselves.
- The number of QC's required changes annually, based on the number of registered voters. For 2021, the number required is 3,779 QC's;
 - The candidate must open a bank account solely for use for the campaign which cannot be connected to any other personal accounts;
 - In addition to the initial meeting, the City Clerk's Office will hold meetings with the candidates' representatives every Tuesday, to answer questions, collect QC Forms and monies collected, and complete any other necessary items;
 - Those candidates seeking to utilize public funds can also raise seed money in the amount of \$250 per donor. Any seed money total will be deducted from the public funds that may be provided and will be disclosed on the Campaign Finance Reports;
 - When the QC's are collected each week, the City Clerk will only accept if the number of QC's matches the required monetary amount equal to \$5.00 per form. If the number for each book does not match, that entire book will not be accepted; and
 - The \$5 must be collected with each signature, it cannot be collected later, paid with other funds or from overages.

The Deputy City Clerk stated that generally, a husband or wife can pay for each other but only if each is present to sign. Households are permitted to do that in this type of situation, otherwise, the contribution must come directly from the person signing.

The Deputy City Clerk stated that the same person can sign as both a circulator and a contributor, there are no rules against that. Also, she stated that family members can sign as the circulator for their family.

The City Clerk stated by signing the initial documentation seeking public funded campaigns, a candidate is agreeing to follow all the rules and regulations that are there. It is not a right to these funds, it is public money, and all rules of the process must be followed for all Qualifying Contributions submitted to his office.

Keller Campaign

The attorney for the Campaign of Mayor Tim Keller requested an interview with the OIG. After a review of the original letter from the BOE, the OIG determined that an interview with the Keller Campaign was not necessary for the scope of this investigation.

The OIG agreed to a meeting but advised the Campaign that no documents should be provided, and specific QC or petition related documents could not be provided or discussed, as the OIG made their own selection and had its own methodology related to its own investigation.

A meeting was held on August 9, 2021 at the Office of the Inspector General. Present were two OIG investigators, the Acting IG, the Attorney for the Tim Keller for Mayor Campaign and the Campaign Manager. During this meeting, the Campaign staff explained the basis for the initial complaints filed and their concerns, and provided an overview of the process for collections of QC's and petition signatures, in a general description.

Gonzales Campaign

Candidate Manuel Gonzales III:

An in-person interview was held at the Office of the Inspector General on August 11, 2021. Present were two OIG Investigators, the Acting IG, Mayoral Candidate Mr. Manuel Gonzales III, and Counsel for the Candidate.

Mr. Gonzales detailed the process of seeking candidacy for Mayor. He indicated that the first meeting with the City Clerk's Office was via Zoom and detailed what needed to be done to become an 'official candidate' for Mayor.

Mr. Gonzales stated that each week one of his campaign representatives would meet with the City Clerk's Office to turn in receipts from QC's, monies for QC's and complete anything else that may need done. Mr. Gonzales stated that it was the City Clerk's duty, as per the regulations, to verify the signatures obtained on the form and by the volunteers and compare to the voter registration signatures.

Mr. Gonzales stated that he selected and advised the COA of three representatives on his campaign, Michelle Martinez, Megan McMillan and Dolores Gonzales-Limon. Ms. McMillan was a paid position and Ms. Martinez and Mrs. Gonzales-Limon were volunteers.

Mr. Gonzales stated that Ms. McMillan was removed from the campaign for reasons other than those subject to this complaint. In addition, Mr. Gonzales stated that numerous discussions were held prior to the accusations subject to this complaint, which led to the termination of Ms. McMillan.

Mr. Gonzales stated that there is no formal training conducted by the City Clerk's Office on this process and that no information was provided detailing how collections should be handled. This is why Mr. Gonzales's team created their own video on the process of collecting QC's for their campaign team.

Mr. Gonzales indicated that he did not know how many or who all of his volunteers were in his campaign. According to Mr. Gonzalez, people ask to be a part of it if they support him and they can help.

Mr. Gonzales stated that it has been an acceptable practice for a husband and wife, or family member to pay for each other's QC. When read the Candidate's Guide which states that the \$5.00 contribution must come from the signer, Mr. Gonzales acknowledged this statement and indicated that 'practice becomes policy' and there are instances where individuals paid for each other that have been allowed in previous campaigns, as practice for many past campaigns. Candidate Gonzales stated that this is an acceptable practice as the practice has become the policy.

Mr. Gonzales stated that no individual can sign for another on either the petition or the QC form.

Mr. Gonzales stated that he has never used, nor did he have knowledge of his campaign team, using their own funds or donated funds to cover the QC amount for any other individual.

Mr. Gonzales stated that he was not aware nor did he authorize any of his volunteers or staff to forge any petition or QC signatures.

Mr. Gonzales stated that he was unaware of any malfeasance from his staff or volunteers until after the complaint was received.

Mr. Gonzales stated that he was invited to speak at an organizational meeting [referenced in complaint] and spoke briefly about his background, answered some questions and collected some petition signatures and QC's. Mr. Gonzales stated that at this meeting, he never advised anyone to not pay the required \$5.00 nor did he have an individual sign and not collect.

Interviews, Gonzales Campaign Representatives

On the Designation of Representatives Form, submitted and signed by Manuel Gonzales III on April 8, 2021, the candidate declared three individuals as representatives who can speak on behalf of his campaign. The OIG attempted to speak with the three individuals to inquire about the petition and QC collection processes and the training the volunteers/representatives may/may not have received on this process. The outcomes of the contact attempts are listed below:

Representative Number One: Dolores Gonzales-Limon:

- Per the City Clerk’s Office, Ms. Gonzales-Limon is the 3rd representative and Treasurer for the Gonzales campaign and is related to Mr. Gonzales. Mrs. Gonzales-Limon informed the OIG that she is only involved with the seed money for the campaign and nothing else.
- She stated she was not involved with any of the volunteers or representatives who gathered signatures on the petitions and QC forms and who collected the \$5 contributions.
- She commented that she has a full-time job and did not have the time to be involved in those other areas, so she only handled the seed money.
- Mrs. Gonzales-Limon did not have contact information for any volunteers and stated she was not aware of who might have this information or a way to get in contact with any of the volunteers. {Note: According to the information provided by the City Clerk’s Office, Ms. Gonzales-Limon was a circulator of 8 QC booklets. However, based on OIG’s samples tested, she did not sign as the campaign representative on any of the QC receipts submitted.}

Representative Number Two: Megan McMillan:

- Phone call placed and contact made by OIG on August 3, 2021.
- Ms. McMillan advised that she would need to reach out to her attorneys, Bob Gorence and Jason Bowles. Ms. McMillan provided the contact information for both attorneys.
- On August 4, 2021, attorneys were called and indicated that she would cooperate fully but only if a subpoena was issued.

Representative Number Three: Michele Martinez:

- Phone call placed on August 3, 2021, voicemail message left from OIG. No response.
- Phone call placed on August 4, 2021, voicemail message left from OIG. No response.
- Note: Michelle Martinez still remains an active member of Mr. Gonzales’ campaign team

According to the Respondent’s Answer to the Holguin I v. Gonzales, 01-2021 Complaint “Michele Martinez assists the Respondent’s campaign and was a witness to some of the

events in question and will testify as to her recollection of the events, as well as to the procedures used by the campaign in collecting qualifying contributions.”

Interview, Gonzales Campaign Volunteer-1, CV-1

On August 12, 2021, the OIG reached out to a campaign volunteer who was referenced during the interview with Mr. Gonzales. A telephone interview was held between the OIG, CV-1 and one of the campaign attorneys.

CV-1 was present during the organizational meeting referenced in one of the original complaints, with Mr. Gonzales. One of the Board members of this organization invited Mr. Gonzales to the meeting and they added it to calendar and went. They were unaware of the format of this meeting, meaning if they were speaking or just attending, but they were invited as part of the campaign.

CV-1 stated that Mr. Gonzales spoke a little, mostly about his background, and then asked the audience if anyone wanted to sign a QC and pay the \$5.00 contribution, they could do so now. CV-1 stated that everyone in the room raised their hand.

CV-1 did not collect any QC's at this meeting.

CV-1 stated that he did not hear any citizen indicate that they did not have \$5.00 nor did he hear anything stated by Candidate Gonzales regarding not paying.

CV-1 does recall one person in attendance who wanted to sign, but lived in Rio Rancho, and they could not accept.

Interview, Gonzales Campaign Volunteer-1, CV-2

On August 12, 2021, the OIG reached out to a campaign volunteer who was referenced during the interview with Candidate Gonzales. A telephone interview was held between the OIG, CV-2 and one of the campaign attorneys.

CV-2 was present during the organizational board meeting referenced in one of the original complaints, with Mr. Gonzales. CV-2 arrived a little late to the organizations board meeting, but it was on his calendar and he went to support the Sheriff in anything he may need. CV-2 was unaware of the original intent or reason for meeting other than that it was a Board meeting.

CV-2 stated that Mr. Gonzales spoke a little, mostly about his background and law enforcement. In addition, many citizens asked questions. The QC books and petitions were passed around after.

CV-2 did not collect any QC's at this meeting. CV-2 does recall explaining to a woman that she could complete it there or online.

CV-2 stated that he did not hear any citizen indicate that they did not have \$5.00 nor did he hear anything stated by Mr. Gonzales regarding not paying.

CV-2 stated that sometimes people do not have \$5.00 on them and when that happens their neighbor may. CV-2 stated that in this instance he will tell them to work that out amongst themselves in regards to change.

Interview, Paid Gonzales Campaign Consultant, PC-1

On August 12, 2021, the OIG reached out to a paid campaign consultant who was referenced during the interview with Candidate Gonzales. A telephone interview was held between the OIG, PC-1 and one of the campaign attorneys.

PC-1 stated that he was brought on board early on to make recommendations on campaign staff. The team interviewed some and the team decided on Megan McMillan.

PC-1 stated that he met Megan McMillan through her work various campaigns for City Councilor.

PC-1 stated while he was often doing other tasks, he does recall Mr. Gonzales wanting a training video for volunteers collecting petitions and QC signatures and a white board with a large QC for to help explain the requirements. In addition, they created a 'blown up' version of a QC form.

PC-1 stated that volunteers would meet up on some days, Saturdays mostly, in a part, to train and explain the forms used, and go door to door. PC-1 will look for emails or texts documenting these trainings, although, they were not formal.

OIG Comments and Conclusion:

It is important to be mindful that this was an administrative investigation, and that;

1. The investigation did not include handwriting examinations of petition forms and signatures and that this was not a factor considered during OIG's investigation;
2. The OIG did not investigate who may have signed this fraudulent QC receipts on behalf of the citizens; and
3. The OIG is an independent office of the City government, and it is essential to remain objective and unbiased throughout the investigative process. This was a paramount concern throughout the investigation. The OIG remains available to the Board to address any questions or requests for additional information that Board may have.