

CITY OF ALBUQUERQUE  
BOARD OF ETHICS AND CAMPAIGN PRACTICES

JOAQUIN BACA,

Complainant,

v.

BOE Case No. 09-2021

REBECCA HAMPTON,

Respondent.

**DECISION**

THIS MATTER came before the Board for a properly and timely noticed evidentiary hearing on December 3, 2021. The Board, having reviewed the written materials submitted by both Complainant and Respondent, and having considered the arguments presented at the evidentiary hearing by both parties, unanimously rules as follows:

**Procedural Compliance**

1. All parties were afforded an opportunity for a full and fair hearing. In particular:

A. The Board gave timely written notice of the hearing to each party stating the time and place of the hearing.

B. The notice of hearing contained a proper description of the matter to be heard.

C. Both parties provided a written statement of all issues to be addressed in advance of the hearing.

2. Neither party submitted: (i) a list of proposed witnesses to be called at the hearing; (ii) a list of proposed exhibits to be introduced at the hearing; or (iii) copies of all documentary evidence to be introduced at the hearing as required by Section 4(E)(2) of the Rules and Regulations of the Board of Ethics and Campaign Practices.

3. Given the parties' failure to comply with the Board's Rules governing hearing procedure, neither party was permitted to call any witnesses or present any exhibits or documentary evidence other than what previously had been submitted with the parties' pleadings. Neither party objected to this procedure.

4. Both Complainant and Respondent were given the opportunity to present oral argument and respond to questions from the Board.

### **Findings & Conclusions**

1. The City of Albuquerque conducted a Regular City Local Election in November 2021.

2. The ballot contained a question regarding the City's use of Gross Receipts Tax Revenue Bonds for a proposed Multi-Use Public Stadium.

3. The "Stop the Stadium" Campaign actively opposed this bond question that appeared on the November 2021 ballot.

4. Complainant alleged that Respondent had a connection to, or acted jointly with, the “Stop the Stadium” Campaign. In particular:

A. A phone number and email address on the “Stop the Stadium” Campaign media release listed Respondent as the contact person for the Campaign.

B. Respondent responded to media requests with a statement on behalf of the Campaign.

5. Respondent did not deny or contravene these allegations.

6. Complainant alleged that between late August 2021 and the November 2021 election, the “Stop the Stadium” Campaign made expenditures in excess of \$250.00 as part of the Campaign’s opposition to the bond question on the November 2021 ballot. Those expenditures included placards, signs displayed at the Albuquerque Women’s March, flyers distributed at the Albuquerque Art Walk, large banner(s) displayed at media events, and yard signs distributed in various City neighborhoods.

7. Respondent did not deny or contravene these allegations.

8. Article XIII Section 2(l) of the City of Albuquerque Charter defines “Measure Finance Committee” to mean:

a political committee or any person or combination of two or more persons acting jointly in aid of or in opposition to the effort of anyone seeking to have their name placed on the ballot for city office, a petition to place a measure on the ballot pursuant to Article III of this

Charter, voter approval or disapproval of one or more measures on the ballot and/or the election to, recall from, office of one or more candidates for office when such person or people have accepted contributions in excess of \$250 or make expenditures in excess of \$250 for any of the purposes listed heretofore.

9. Respondent is a “person” within the meaning of Article XIII Section 2(m) of the City of Albuquerque Charter

10. Based on the undisputed allegations, Respondent acted jointly with other persons with regards to the activities of the “Stop the Stadium” Campaign seeking voter disapproval of a measure on the November 2021 ballot.

11. Based on the undisputed allegations, Respondent acted jointly with other persons who either accepted contributions in excess of \$250 or made expenditures in excess of \$250 with regards to the activities of the “Stop the Stadium” Campaign seeking voter disapproval of a measure on the November 2021 ballot.

12. Respondent is a “Measure Finance Committee” within the meaning of Article XIII Section 2(l) of the City of Albuquerque Charter.

13. Respondent failed to comply with requirements imposed on Measure Finance Committees under the City Charter, this Board’s Rules, and the 2021 Regulations of the Albuquerque City Clerk for the Election Code. These failures include, but are not limited to, the following:

- A. Failure to maintain and submit required campaign financial records, as required by Article XIII Section 4(j) of the City of Albuquerque Charter;
- B. Failure to submit a detailed accounting of all advertising expenses (Board Rules Section 4(J); City Clerk Regulations Part H;
- C. Failure to ensure that all campaign materials specify both the name of the sponsor who authorized the printing and the name and address of the establishment that printed the campaign materials (City Clerk Regulations Part H;
- D. Failure to appear before the Board for the mandatory Pre-Election Meeting described in Section 4(J) of the Board Rules

14. Pursuant to Section 6(G) of the Board Rules, the Board retains discretion whether to impose a sanction or issue a reprimand for violations of the provisions cited above.

15. The Board has determined that no monetary sanction shall be imposed and no reprimand shall be issued.

IT IS SO ORDERED.

Dated this 17th day of December, 2021.

*/s/ Andrew G. Schultz*

---

Andrew G. Schultz  
Chair, Board of Ethics and Campaign Practices