



Office of the City Clerk  
P.O. Box 1293  
Albuquerque, NM 87103  
Phone (505) 924-3650 Fax (505) 924-3660  
[www.cabq.gov/clerk](http://www.cabq.gov/clerk)

Ethan Watson, City Clerk

---

July 28, 2025

SENT VIA EMAIL ONLY

Daniel Gilber Leiva  
2917 51st St. NW,  
Albuquerque, NM 87120  
[leiva\\_dan@ymail.com](mailto:leiva_dan@ymail.com)

Re: **Certification as Participating Candidate for Public Funding & Notice of Preliminary Audit Findings**

Dear Daniel Gilber Leiva,

I am writing to confirm that you have been certified as a Participating Candidate under Article XVI of the Albuquerque City Charter, the Open and Ethical Election Code ("OEEC") however, the random audit conducted by the Office of Internal Audit has **uncovered evidence of fraud for 3 qualifying contributions submitted by you, or your campaign**. Please see the enclosed letter from the Office of Internal Audit to the City Clerk. The audit has led the Office of the City Clerk to submit a request to the Board of Ethics and Campaign Finance authorizing further investigation into qualifying contributions submitted by you or your campaign. If an investigation is conducted and the investigation reveals you, or your campaign, did not comply with the OEEC requirements to certify you as a participating candidate, the Office of the City Clerk may take enforcement action against you including revoking your certification and recouping the funds distributed to you.

Candidates seeking public financing agree to abide by contribution and expenditure limits, restrictions on the use of public funds, and related compliance obligations under the OEEC and the 2025 Rules issued by the City Clerk. At this time you met all requirements necessary for certification.

## **II. Determination**

Following a review of your submitted materials and campaign finance activity, I find that you have fulfilled all certification requirements at this time. Our office was able to verify that the **492** of the Qualifying Contributions you submitted were from registered voters in your district, that number is above the **450** threshold required to qualify a City Council Candidate for public financing. As stated above there may be an investigation into whether any of the qualifying contributions were submitted fraudulently or were otherwise not in accordance with the OEEC rules. You have complied with contribution and expenditure restrictions, including Seed Money limits, and there are no pending issues related to your filings or qualification with the Bernalillo County Clerk. Our internal records also confirm that you have not operated as a non-participating candidate for the same office, and there are no findings of fraud, material misstatements, or outstanding penalties. Although there have been no findings of fraud or material misstatements there may be an investigation into items flagged by the Office of Internal Audit. At this time, you are certified as a Participating Candidate for the 2025 Regular Local Election.

### III. Fund Distribution

Pursuant to OEEC § 12(B), participating candidates for City Council receive \$1.25 per registered voter in the City of Albuquerque. For purposes of calculating the base distribution, the number of registered voters—determined from the County Clerk’s voter registration database as of the first business day in February 2025—is 45,049.

This amount is reduced by your reported Seed Money total of \$155.00, as well as \$53.20 in swipe processing fees (based on 152 online contributions at \$0.35 each). Accordingly, the final distribution amount is **\$56,103.05**

The City’s Treasury Division will initiate a transfer to your campaign account on or before **Thursday, July 31, 2025**, using the banking details currently on file:

Bank name: Nusenda Credit Union

Routing Number: [REDACTED]

Account Number: [REDACTED]

If this information is incorrect, please notify my office immediately. You can expect the funds to post within one to two business days. If your account has not received the deposit by **August 7, 2025**, contact us to follow up.

The following is a summary of the amounts that apply in calculating your distribution of money from the Fund:

1.25 per registered voter:	\$56,311.25
Swipe fees	\$ -53.20
Seed money:	<u>\$ -155.00</u>
<b>Total Distribution</b>	<b>\$56,103.05</b>

### IV. Optional Withdrawal from Public Financing

Under Section 12(E) of the Open and Ethical Elections Code (OEEC), you may withdraw from the public financing program at any time. If you choose to continue your campaign as a privately financed (Non-Participating) Candidate, you must repay the full amount of public funds received, along with interest calculated at a rate of twelve percent (12%) per year. Once repayment is received by the City Clerk, you may fundraise and spend private contributions in compliance with the rules for Non-Participating Candidates.

Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,



Ethan Watson  
Albuquerque City Clerk

Cc: Cilia Aglialoro, City Treasurer, [CAglialoro@cabq.gov](mailto:CAglialoro@cabq.gov); Thad Porch, Independent Auditor, [thad.porch@porchcpa.com](mailto:thad.porch@porchcpa.com); Rachel Rodarte, Fiscal Officer, [rrodarte@cabq.gov](mailto:rrodarte@cabq.gov).



## Bernalillo County Clerk's Office

415 Silver Ave. SW, 2nd Floor Albuquerque, NM 87102

Office: (505) 468-1290

Fax: (505) 468-1293

clerk@bernco.gov

[www.bernco.gov](http://www.bernco.gov)

Office of the City Clerk  
Attn: Ethan Watson, City Clerk  
600 2nd N.W., Albuquerque, NM 87102

The Bernalillo County Clerk's Office is in receipt of signature petitions and declaration of candidacy forms for Daniel Gilber Leiva that were received in our office on July 17, 2025, at 1:00 p.m.

In compliance with NMSA 1978, §1-22-3.2 our office has performed a candidate certification process and below are the results of our candidate certification process:

City Councilor, District 1 – City of Albuquerque

1. Daniel Gilber Leiva Declaration of Candidacy is in order, candidate is registered in the County of Bernalillo, City of Albuquerque at 2917 51<sup>st</sup> St N.W., Albuquerque, NM 87120, precinct number 39 which is registered in the Municipality of Albuquerque, City Council, District 1.

Mr. Daniel Gilber Leiva is qualified to be a candidate.

The petition signatures have been reviewed and are in order. The candidate submitted a total of 1,472 signatures, which meets the minimum requirement of 500 signatures for City Councilor.

Sincerely,

Michelle S. Kavanaugh  
Bernalillo County Clerk

### COMMISSIONERS

Eric Olivas, Chair, District 5   Adriann Barboa, Vice-Chair, District 3  
Barbara Baca, District 1 Frank Baca, District 2, Walt Benson, District 4

### ELECTED OFFICIALS

Damian R. Lara, Assessor, Michelle S. Kavanaugh, Clerk  
Cristy J. Carbón-Gaul, Probate Judge, John D. Allen, Sheriff, Tim Eichenberg, Treasurer