

2023 Regular Local Election Candidate and Committee Guide



Purpose:

This is an informal guide to assist Candidates and Committees with common questions encountered when running for office or supporting/opposing a Candidate or ballot measure. Where possible, this guide will link to relevant rules, Ordinance, or Charter provisions as referenced. This guide may be updated as necessary. This document provides only informal guidance; the relevant rules, Ordinance, Charter provisions, or state law are definitive and shall control in the event that this guidance conflicts with any of them.

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Part 1: General

1. What is the City Clerk's Office?
 - a) The Office of the City Clerk maintains official records for the City of Albuquerque, conducts public financing for municipal Candidates in local elections, accepts bids from the general public, conducts hearings pursuant to the Independent Hearing Office Ordinance, as well as accepts service of process for summons and subpoenas on behalf of the City of Albuquerque.
2. What is the Board of Ethics ("BOE")?
 - a) The Board of Ethics and Campaign Practices was created by Charter Article XII, the Code of Ethics. The Board of Ethics is a board of limited jurisdiction for election-related matters and violations of the Code of Ethics. The Board may conduct investigations regarding possible violations of the Election Code, the Open and Ethical Elections Code and the Code of Ethics.
3. What is the County Clerk's Office?
 - a) The Bernalillo County Clerks office maintains official records for Bernalillo County and conducts state-level and local elections.
4. Who is this guide for?
 - a) This guide is intended for potential Candidates, Candidates, and Committees in the 2023 municipal election.

Part 2: How to become a declared Candidate

1. How do I become a declared Candidate?
 - a) Any individual who has: 1) obtained a nominating petition from the City Clerk; 2) filed an affidavit (using a form available from the City Clerk) stating that he or she is a candidate; 3) filed as a candidate for elected office as required by law; or 4) has received or solicited contributions or made expenditures of \$1,000 or more for the purpose of seeking election to an office, is a "Candidate" subject to the Election Code and related regulations. Any individual seeking office must do the following:
 - Register in the Campaign Finance Reporting System;
 - File the required Candidate forms, including the proof of bank account, acknowledgement of Charter, Code, and Rules; and
 - Declare a financing status by selecting 'privately financed' or 'publicly financed'. Publicly financed Candidates will also need to submit a "Declaration of Intent" form.
 - b) A person who has raised or spent over \$1,000 with the intention of running for a covered office is required to file in the Campaign finance reporting system and become a declared Candidate.
 - c) A Candidate must also meet the eligibility requirements as outlined in the City Charter and the NM State Constitution. Generally, an individual must be a registered voter in the district they are seeking to represent, cannot have any outstanding fines to the BOE. The City Clerk's Office will check these requirements before accepting a Candidate's registration.
 - d) The City Clerk is available by appointment to meet with any potential Candidate and their representatives prior to, or after the individual becomes a Candidate. This meeting is an opportunity for the Candidate and their Committee to ask questions of the City Clerk's

Office regarding the process of running for office. This meeting is not required, but encouraged.

2. What forms are required?
 - a) A list of all the forms for Candidates and Committees can be found on the last page of the [City Clerk's Rules and Regulations](#).
 - b) Candidates who withdraw their candidacy or change their financing status will be required to fill out additional forms.
3. What roles are required?
 - a) Candidates are required to have a treasurer. The treasurer must be someone other than the Candidate. The treasurer is the only Campaign staff member Candidates are required to have when running for office.
 - b) Committees are required to have a chairperson and a treasurer. These positions should be held by two separate individuals.
4. How do I open a bank account and do I need an EIN?
 - a) Candidates and Committees are required to have one, and only one, checking account associated with their Campaign or Committee.
 - b) An EIN Number is not required by the City Clerk's Office, but can make opening a checking account in the name of a Committee easier to accomplish. Though the City Clerk's Office cannot provide legal advice, it is encouraged to open an account in the name of your Campaign or Committee rather than a personal account in the Candidate's name. The City Clerk's Office cannot provide guidance on whether an EIN may be required by state or federal law.
 - c) Always have more than one person available to sign on the account. Campaigns and Committees are encouraged to have the Candidate and the Treasurer or the Chairperson and the Treasurer as signatories on the account.
 - d) Please note that some banks will require a savings account to be opened simultaneously with a checking account. Please do not open a savings account, or put funds into a savings account. If the bank requires a savings account with a checking account, alert the Campaign and Election Auditor and never use the savings account.
 - e) Do not take out a credit card from the bank to make purchases with. All purchases must be made from the checking account.
5. How do I register in the Campaign Finance Reporting Site?
 - a) The City Clerk's Office provides a [PowerPoint tutorial](#) on how to register and use the Campaign finance site.
 - b) The City Clerk's Office also provides remote training for any Candidate or Committee and their treasurer on how to use the site. Please request this training by emailing: elections@cabq.gov.
6. How do I terminate my candidacy?
 - a) A Candidate may terminate their candidacy at any point, as long as proper notice is given to the City Clerk (and the County Clerk if the Candidate has already been qualified for the ballot) and any funds raised or dispersed are disposed of in accordance with the requirements outlined in [Article XIII, Section 4](#) and, for publicly financed candidates, Article [XVI, Section 12](#), .
 - b) Candidates terminating their candidacy or switching their financing status will be required to alert the City Clerk's Office and submit a withdrawal form, available from the City Clerk's Office.

Part 3: The Election Cycle

1. What is the Campaign/election cycle?
 - a) An election cycle for any municipal office begins the day after election day, or, if there is a runoff election for that office, the runoff election day. However, depending on how a Candidate decides to run for office, there are different requirements and restrictions.
 - b) A privately financed Candidate may begin Campaigning for a covered office, or raising and spending money, the day following election day for that office, or runoff election day. If a Candidate raises or spends in excess of \$1,000, the Candidate will have to file Campaign finance reports biannually until the year of the election for that office, when reporting becomes more frequent.
 - c) A Candidate who raises or spends in excess of the outlined Contribution limits in the Open and Ethical Elections Code (“OEEC”) prior to the exploratory period will be ineligible for public financing.
2. When can I begin “Campaigning?”
 - a) A Candidate may begin Campaigning anytime following the date of the election, or runoff election, for that office. A Candidate needs to be aware of the filing requirements, and what Campaigning can mean in regards to their opportunity to run as a publicly financed Candidate. Review [Article II](#), [Article XIII](#), [Article XVI](#) of the City Charter and [Chapter 2, Article 4](#) of the City of Albuquerque Municipal Code for more information.
3. Can I accept endorsements and from who?
 - a) The City Clerk’s Office does not regulate endorsements. Whether a Candidate chooses to accept an endorsement from any person is a Campaign decision. Candidates may begin accepting endorsements at any point in the election cycle.
 - b) The City, however, does regulate the use of public property and forbids the use by City employees of City time or property to advocate for a specific Candidate or ballot measure. Candidates and City employees should review [AI 4-5](#), [Article XII, §§6-7](#) of the City Charter, and the [Personnel Rules and Regulations, and Part 12, below, of this document](#), for more information.

Part 4: Petitions

1. How do I qualify to be on the ballot?
 - a) The County Clerk is the proper filing officer for all petitions and will make the ultimate decision on Candidates who have qualified for the ballot.
 - b) Regulations to be aware of include:
 - Candidates for Mayor must collect at least 3,000 signatures from qualified registered voters from the City of Albuquerque, within the applicable timeframe.
 - Candidates for City Council must collect at least 500 signatures from qualified registered voters from the district they seek to represent, within the applicable timeframe.
2. What is the petition form?
 - a) The form of petition is governed by State Law and must be approved by the County Clerk and the Secretary of State.
 - b) The City Clerk’s Office will create the petition form and provide one copy of the official form with the Candidate’s name and address to the Candidate the day prior to the petition period.

- c) The petition form provided by the City Clerk and the online petition website are the only two forms on which the Candidate may collect petition signatures. The Candidate may make copies of the form provided by the City Clerk.
 - d) Candidates are not able to create their own petition form for circulation, nor will there be a blank petition form available for download.
 - e) A Candidate must be register and submit all required forms to the City Clerk’s Office prior to receiving the petition form or accessing to the online petition site.
3. When can I begin collecting petitions?
- a) Candidates may only collect petition signatures during the petition timeframe as outlined in [Section 2-4-10](#) of the City of Albuquerque Code of Ordinances. Petition signatures collected outside of this timeframe will not count towards the required number of petition signatures.
4. Who can sign my petition?
- a) Petition signatures must come from qualified registered voters in the City of Albuquerque (for mayor) or the district the Candidate is running to represent (for City Council).
 - b) The City Clerk’s Office will reject signatures when:
 - The individual not is not registered to vote;
 - The registration has been removed by the Secretary of State;
 - The individual is registered to vote, but at an address outside of the geographical area the Candidate is running to represent; or
 - The information entered is incomplete or illegible;
5. What are the rules regarding the collection of petition signatures?
- a) Rules and Regulations regarding the collection of petitions can be found in the [City Clerk’s Rules and Regulations](#) and in [Section 2-4-10](#) of the City of Albuquerque Code of Ordinances.
 - b) Petitions can only be collected during the petition gathering period.
 - c) Petition signatures can be collected by volunteers or by paid staff, however it is the Candidate’s responsibility to make sure both volunteers and paid staff are well trained in the City Clerk’s Rules and Regulations and the requirements in the City Code and Charter. The Candidate is ultimately responsible for the petitions collected.
 - d) A person collecting signatures may not offer or provide any cash, gift, or other in-kind exchange to another to induce a person to sign a petition.
 - e) No individual may sign a petition on another individual’s behalf.
 - f) A volunteer or paid staff may assist with filling out all sections of the petition form other than the signature if and only if the voter requests assistance.
 - g) Petitions must be submitted to the City Clerk’s Office for verification as outlined in [Section 2-4-10](#) of the City of Albuquerque Code of Ordinances. Rules regarding the periodic submission of petitions can be found in the [City Clerk’s Rules and Regulations](#).
 - h) A voter may only sign one petition for a Candidate in their district.

Part 5: Contributions

1. What is a Contribution and when can I begin to collect Contributions?
- a) Privately financed Candidates may begin to raise funds for an election at any point following the end of an election cycle. Bear in mind that funds raised for a previous election cycle must be disposed of and cannot be carried over into a new election cycle. Once a Candidate begins raising funds for a new election cycle, they will need to register in the Campaign finance reporting system. Candidates must also report Contributions and

Expenditures in accordance with [Article XIII, Section 4](#) of the City Charter until the Committee is dissolved or the bank account is closed.

- b) Publicly financed Candidates may only accept monetary Contributions in the form of seed money. Seed money may only be accepted during the exploratory period and the qualifying period.
 - c) A publicly financed Candidate may make a seed money Contribution to their own Campaign in advance of the exploratory period. This is the only allowable Contribution to a publicly financed Candidate in advance of the exploratory period and can only be made by the Candidate themselves, not the Candidate's spouse, partner, etc. The seed money Contribution cannot exceed the \$2,5000 threshold per [Article XVI, Section 3\(R\)](#) of the City Charter.
2. Who can I raise money from?
- a) For privately financed Candidates, Contributions may be raised from any person as defined in the [Election Code, Article XIII](#). There are individual Contribution limits that apply to any Person donating to your Campaign, but there are not aggregate limits. Please note that foreign nationals who are not permanent residents may not donate to any Candidate in a municipal election.
 - b) For publicly financed Candidates, Contributions may only be raised as seed money during the timeframe for seed money Contributions as outlined in the [OEEC, Article XVI](#). Seed Money Contributions may only come from a Person as defined in the OEEC, which is different than the definition in the Election Code in that the Person must reside in the City of Albuquerque. Seed Money Contributions also have an individual and aggregate limit set in the OEEC.
 - c) In-Kind Contributions are discussed in a later section of this guide.
3. Are there limits to how much money I can raise?
- a) There are limits to Contributions for both private and publicly financed Candidates.
 - b) Privately financed Candidates have an individual Contribution limit (the maximum that any single person may contribute, whether as a single Contribution or as a combination of Contributions from that person), but no aggregate limit for combined Contributions from all sources.
 - c) Publicly financed Candidates have both an individual Contribution limit and an aggregate limit.
4. What information do I need to collect from contributors?
- a) For both privately financed Candidates and publicly financed Candidates, information regarding the contributor will be required when entering the Contribution in the Campaign finance reporting system.
 - b) If the contributor is an individual, required information includes:
 - Contributor's First and Last Name
 - Contributors Home Address including City, State, and Zip
 - Contributors Employer and the Employer's Address
 - c) If the Contributor is a Business or Organization, required information includes:
 - The Organization's Name
 - The Organization's Address including City, State, and Zip
 - The Organization's Manager and Business Activities
5. Can I raise money electronically?
- a) Private and Publicly financed Candidates may raise Contributions electronically.

- b) PayPal, ActBlue, WinRed, or any similar electronic Contribution portal may be used by Candidates to collect Contributions or seed money as long as the portal is used only as a passthrough, and all Contributions are then deposited into the Candidates' bank account and entered into the Campaign finance reporting site.
6. Can I offer gifts/raffles/prizes in the collection of Contributions?
 - a) Candidates and Committees may offer gifts, raffles, or prizes in conjunction with any fundraising activity, seed money collection, or even Qualifying Contribution collection. However, it must be made clear that no gift, prize, raffle, or any item of value may be given in exchange for a Contribution of any type.
 - b) Any person in attendance at an event where a gift, prize, raffle, etc., is being offered must have equal access to these items, whether or not they contributed to the Candidate.
 7. Can I accept loans and are they considered a Contribution?
 - a) Loans are considered Contributions and are subject to a Candidate's Contribution thresholds. Loans from a financial institution in New Mexico made in accordance with applicable banking laws and in the ordinary course of business, however, are not considered Contributions.
 - b) Candidates are able to accept loans, however, there are restrictions in the Rules regarding loans:
 - Privately financed Candidates may not continue raising funds past the date of the election, or the date of the runoff election if applicable, to pay off any outstanding debts.
 - Publicly financed Candidates may only repay loans with seed money. Loans should be repaid before a distribution is made to the Candidate from the City.

Part 6: In-Kind Contributions

1. What are in-kind Contributions?
 - a) In-Kind Contributions are defined as anything of value, other than money, that is donated to the Candidate or Committee. An in-kind Contribution can be a good or a service.
2. When can I accept in-kind Contributions?
 - a) For publicly financed Candidates, in-kind Contributions may be accepted at the start of the exploratory period through election day, or through runoff election day if applicable.
 - b) For privately financed Candidates, in-kind Contributions may be accepted once the Candidate has registered as a Candidate with the City Clerk's Office and in the Campaign Finance Reporting Site, through election day or runoff election day, if applicable.
3. How much can I accept in in-kind Contributions?
 - a) In-kind Contributions have individual limitations for all Candidates, and aggregate Contribution limits for publicly financed Candidates.
 - b) The in-kind Contribution limit for privately financed Candidates is the same as the individual monetary Contribution limit.
 - c) The in-kind individual limit for publicly financed Candidates is \$2,500. The aggregate limit is based on the office and district, and can be found [online here](#).
4. Is a fundraiser an in-kind Contribution?
 - a) A fundraiser may be an in-kind Contribution. Any expenses associated with fundraising should either be considered an Expenditure of the Campaign, or an in-kind Contribution from a contributor. Depending on how the cost of the fundraiser was covered, these

Expenditures or in-kind Contributions must be reported in the Campaign finance reporting site.

- b) Any funds raised during a fundraiser must also be reported in the Campaign finance reporting site as Contributions.
5. What information do I need to collect for an in-kind Contribution?
- a) An in-kind Contribution is reported just as a monetary Contribution is reported, and the Campaign or Committee must collect the contributors full name and address as well as their employer and their employer's address.
6. How do I report in-kind Contributions?
- a) In-kind Contributions are reported online in the Campaign finance reporting site. They are reported under the Contribution tab as an in-kind Contribution. In-kind Contributions must be reported when the Contribution occurs or within 30 days of the Contribution.
 - b) If the Contribution is ongoing services, such as legal or accounting which do not count against a threshold, the Contributions must still be reported when accepted. If they are ongoing services, they can be reported on a monthly basis.

Part 7: Expenditures

1. What is an Expenditure?
- a) An Expenditure is a payment, or the commitment to pay (an encumbrance or obligation) by a Candidate or Committee.
 - b) Please also see the definitions in the [Election Code](#) and the [Open and Ethical Election Code](#).
2. When can I begin to make Expenditures?
- a) A Candidate may begin to make Expenditures at any point. Once they have raised or spent over \$1,000 they are officially considered a Candidate and must register with the City Clerk's Office.
 - b) If a person intends to run a publicly financed Campaign, they may not raise or expend any funds that would exceed pre- or post-exploratory limits. A Candidate may only begin raising seed money and spending seed money during the exploratory timeframe. A Candidate may give a limited amount of funds to their own Campaign prior to the exploratory period. It is important that the Candidate not donate or expend any funds in excess of that donation limit prior to the exploratory period or they may no longer be eligible for public financing.
3. How should I make Campaign Expenditures?
- a) Expenditures for a Campaign or a Committee should be made directly from the Campaign or Committee bank account. This can be done through a check or a bank card/debit card.
 - b) Candidates and Committees should refrain from making Expenditures and reimbursing themselves. This is an acceptable Expenditure; however, it doesn't clearly identify the payee as the reimbursement will be to the Candidate. Expenditures should be made from the Campaign bank account when at all possible.
 - c) When reimbursing a Candidate for Campaign Expenditures, be sure to note the original payee as well as the items purchased by the Candidate in the description of the reimbursement.
 - d) Campaigns and Committees are not permitted to make Expenditures from a credit card. Campaigns and Committees should not take out a credit card in their name.
4. What can and can't I spend Campaign funds on?

- a) Publicly financed Candidates are subject to Expenditure limitations and prohibitions that can be found both in [Article XVI, Section 8](#) and the City Clerk Rules and Regulations.
 - b) Privately financed Candidates are not subject to the same Expenditure prohibitions as publicly financed Candidates.
 - c) Expenditures should only be made for the purpose of supporting the Candidate’s nomination or election.
 - d) There are no expenditure restrictions for Committees.
5. How do I report Campaign Expenditures?
- a) Campaign Expenditures are reported on the required Campaign finance disclosures that are filed electronically on the Campaign finance site in accordance with Article XIII, Section 4. Expenditures should be reported when the expense is incurred or the encumbrance is made.
 - b) Candidates and Committees can request a training in the Campaign finance reporting site by emailing elections@cabq.gov.
 - c) A [PowerPoint tutorial](#) is also available online for Candidates and Committees on how to use the Campaign reporting site.

Part 8: Campaign Materials

1. What are considered Campaign materials?
 - a) Campaign materials are defined in the [Article XIII, Section 2](#) as any materials “broadly distributed” or Campaign advertising or communication used by a Candidate or Committee.
2. What disclaimers are required for Campaign materials?
 - a) Disclaimers on Campaign materials can vary slightly depending on the medium and the type of Committee. Information on the required disclaimers can be found in [Article XIII, Section 5](#), and the [City Clerk’s Rules and Regulations](#).
3. How do I report Campaign materials to the City Clerk?
 - a) Campaign materials that are broadly distributed or paid for by the Campaign, or through in-kind to the Campaign must be reported to the City Clerk’s Office through the Campaign finance reporting site on the required disclosure reports, and images of the Campaign materials must be submitted through the same site.
 - b) Campaign disclosure reports and the corresponding Campaign materials submitted to the City Clerk’s Campaign finance site are public record and publicly available once submitted.
 - c) Images, and/or links to videos produced, radio spots, etc., are required to be submitted to the City Clerk’s Campaign finance reporting site along with the corresponding Campaign finance disclosure report on which the Campaign material was reported and paid. The Campaign finance disclosure reporting schedule can be found in [Article XIII, Section 4](#).

Part 9: Financial Disclosures

1. When are the financial disclosures due?
 - a) Financial disclosure reports are due on the reporting schedule outlined in [Article XIII, Section 4](#). Financial disclosures are submitted electronically, through the Campaign finance reporting site and are due by 5:00pm.
2. How do I submit the required financial disclosures?

- a) Financial disclosures are submitted electronically through the Campaign finance reporting site. Any time after the end of a reporting period, the Candidate or treasurer can click on “filings” and select “view/file” on the report to be filed. From this view, the Candidate or treasurer can see a preview of the report and make sure that all items have been entered that need to be filed. The Candidate or treasurer will need to check the affirmation on the bottom of the report, and then can select “file” when they are ready to file the report.
 - b) The City Clerk’s Office has prepared a PowerPoint tutorial on how to use the basic functions of the website which you can [view here](#), or you can request a training by emailing: elections@cabq.gov.
3. What if I don’t have anything to report for a reporting period?
- a) A financial report is due for each registered Candidate and Committee on the date a report is due, whether or not a Candidate or Committee has any Contributions or Expenditures to report. The Candidate or Committee may login to the system and file the report with zero entries to fulfill this obligation.
4. How are the financial disclosures audited?
- a) The City Clerk’s Office contracts with a Campaign and Election Auditor during an election cycle to audit the financial disclosures.
 - b) The Campaign and Election Auditor will review the financial disclosures against the requirements in the Election Code, the Open and Ethical Election Code, the City Clerk’s Rules and Regulations and the individual and aggregate limits based on the financing status of the Candidate.
 - c) The Campaign and Election Auditor may reach out to the Candidate or Committee to clarify any discrepancies in a financial disclosure prior to sending an official notice to amend a financial report.
 - d) Although the goal of the audit is to seek compliance with the [City Clerk Rules and Regulations](#), the [Election Code](#), and the [Open and Ethical Elections Code](#), the Campaign and Election Auditor or the City Clerk may refer issues to the Board of Ethics as necessary.
5. What is the process for amending the financial disclosures?
- a) A Candidate or Committee may amend a financial disclosure after it has been filed if an error has occurred, or if the City Clerk or Campaign and Election Auditor has requested the Campaign or Committee amend a report.
 - b) The process to amend a report requires the Candidate or treasurer to edit the issue in the “financials” tab first. This may mean refunding a Contribution in the Contributions tab, or editing the details of a contributor or a payee in the contributor or payee maintenance sections. Once the edit has been made, the Candidate or treasurer can enter back into “filings” and click on “amend” under the report that needs to be amended. From there, the report will populate with the new edits. The Candidate or treasurer will need to verify the edits have been made in this new report, check the affirmation box, and submit the amended report.
 - c) The City Clerk’s Office has prepared a PowerPoint tutorial on how to use the basic functions of the website which you can [view here](#), or you can request a training by emailing: elections@cabq.gov.

Part 10: Public Financing Program

1. What is the public financing program?
 - a) The [Open and Ethical Election Code](#) provides Candidates an option to run a publicly funded Campaign. A Candidate must meet certain requirements to qualify for the funds and must adhere to certain Expenditure limits.
2. What are the funds available to a publicly financed Candidate?
 - a) Qualifying Candidates will receive an amount determined by the number of voters in the Candidate's district, minus any seed money the Candidate collected during the exploratory and qualifying period.
3. What is the difference between an Applicant Candidate and a Participating Candidate?
 - a) An Applicant Candidate is a Candidate who is seeking public financing and is in the process of qualifying for public financing. A Participating Candidate is a Candidate who has been certified by the City Clerk and approved for public financing.
4. How can I become a publicly financed Candidate?
 - a) Publicly financed Candidates must submit a declaration of intent to seek public financing, and abide by the Contribution and Expenditure limitation as outline in the OEEC and the Rules and Regulations. Publicly financed Candidates must also submit the required number of Qualifying Contributions and petition signatures and be qualified as a Candidate for the ballot by the County Clerk.
5. What is the exploratory period?
 - a) This is the time when Candidates can begin raising seed money, engaging and training volunteers, and setting up the infrastructure for gathering petitions and Qualifying Contributions. The start and end exploratory period depends on the office sought, and is set forth in Article XVI, Section 3(H) of the City Charter.
 - b) The City Clerk's Office encourages Candidates to use this time to ask questions.
6. What is seed money?
 - a) Seed money is a Contribution to an Applicant Candidate during the exploratory period or the Qualifying Contribution period to assist the Applicant Candidate with basic Campaign functions prior to certification and funds from the distribution.
 - b) Seed money may only come from a person as defined in [Article XVI, Section 3](#), which states the individual must be a resident of the City of Albuquerque.
 - c) A seed money Contribution from a person may not exceed \$250, except for a seed money Contribution from the Applicant Candidate themselves, which can be up to \$2,500.
 - d) An Applicant Candidate may not accept more than 20% of the applicable spending limit in seed money Contributions. This aggregate threshold by city council district [can be viewed here](#).
 - e) The total of all seed money collected by the Applicant Candidate will be deducted from the distribution from the City to the Participating Candidate once the Candidate is certified as a Participating Candidate.
 - f) If the Applicant Candidate withdrawals from public financing prior to certification and continues running as a privately financed Candidate, any seed money collected will be considered a Contribution to the privately financed Candidate.
 - g) If the Applicant Candidate withdrawals from running as a Candidate entirely, the Candidate must dispose of any unspent seed money Contributions as outlined in [Article XIII, Section 4\(f\)](#).
7. What is a Qualifying Contribution?

- a) A Qualifying Contribution is a \$5 donation in a Candidate's name to the Open and Ethical Election Fund. These Contributions are non-refundable.
 - b) For a Candidate to qualify for public financing, they must collect and properly document a certain amount of Qualifying Contributions from registered voters in the district they seek to represent, in order to show support for their Campaign.
8. When can I begin collecting Qualifying Contributions?
- a) Timeframes for collection of Qualifying Contributions are outlined in [Article XVI, Section 3](#).
 - b) Candidates may only collect Qualifying Contributions during the timeframe provided in the City Charter. The City Clerk's Office will reject any Qualifying Contributions collected outside of that timeframe and may refer any infractions to the Board of Ethics.
9. How do I collect Qualifying Contributions?
- a) Campaigns may collect Qualifying Contributions using the receipt books issued by the City Clerk and the website provided by the City Clerk. These are the two tools the City Clerk's Office provides for collection of Qualifying Contributions. How a Campaign chooses to use these tools (i.e. going door to door, hosting house parties, using paid collectors, etc.) is ultimately a Campaign's decision.
10. What are the rules I need to know regarding the collection of Qualifying Contributions?
- a) Candidates should be familiar with all requirements in [Article XVI](#) as well as the [City Clerk's Rules and Regulations](#).
 - b) Qualifying Contributions are deposited in the Open and Ethical Election Fund, and are not donations to a Candidate. Qualifying Contributions are not refundable.
 - c) No gift, or any item of value may be given or promised in exchange for a Qualifying Contribution.
 - d) No person may make or pay for a Qualifying Contribution in the name of or on behalf of another person. Immediate family members, or family members living in the same household may pay for Qualifying Contributions from the same check, or same credit card. However, this practice is discouraged, and where possible, we encourage Candidates and their staff and volunteers to collect distinct Qualifying Contributions and receipts from each individual.
 - e) No person may sign a Qualifying Contribution form on behalf of another individual, even a family member.
 - f) If the Qualifying Contribution is documented in the receipt book, the individual staff or volunteer who collected the Qualifying Contribution must be the individual signing the receipt book as the representative.
 - g) Receipt books should be distinct to a staff person or volunteer and not be passed around amongst different staff or volunteers on a Campaign. Even if the receipt book is not completed, or left nearly empty, please only use one staff or volunteer per book.
 - h) Qualifying Contributions may only be made through the Qualifying Contribution receipt books, provided to Candidates or their representatives, with cash or check, or through the website provided by the City Clerk's Office through a credit card.
 - i) The Qualifying Contribution website provided by the City Clerk's Office is an additional tool for collection of Contributions, and should not be used as the sole means for collection of Qualifying Contributions. The City Clerk's Office will work with the vendor to aid with any systemwide issues that occur with the website; however, individual connectivity, verification, or user errors may still occur as with any website.

Because of this, the City Clerk's Office reminds Candidates that the website is an additional tool, and should be used in tandem with paper collection.

- j) The Qualifying Contribution website uses cookies to store information from one page of the site to the next contribution. Depending on the browser and computer, this may require the browser to be refreshed between users.
 - k) Candidates may use paid staff or volunteers to assist with the collection of Qualifying Contributions. It is the Candidate's responsibility to ensure staff and volunteers are well trained on the Charter and the City Clerk's Rules and Regulations regarding Qualifying Contributions.
 - l) If a voter is found to have made more than one Qualifying Contribution to one Candidate, the additional Qualifying Contributions will not count towards the Candidate's total Qualifying Contributions. The additional Qualifying Contributions cannot be refunded.
11. Are Qualifying Contributions audited in any way?
- a) Qualifying Contributions are both verified and audited. This means each week the City Clerk's Office will check each Qualifying Contribution to make sure it meets the minimum qualification to count towards the Candidate's requirements. These qualifications are outlined in the [OEEC](#) and the [City Clerk's Rules and Regulations](#).
 - b) The Qualifying Contributions will also be regularly audited.
12. What happens if I don't qualify as a publicly financed Candidate, but I did qualify for the ballot?
- a) Applicant Candidates who do not qualify for public financing but do meet the qualifications to be on the ballot may continue running for office as a privately financed candidate.
13. What if I choose to drop out of the public financing program and become a privately financed Candidate?
- a) An Applicant Candidate or a Participating Candidate may choose to withdraw from public financing. Depending on where the Candidate is in the process and whether the Candidate continues to seek office, the requirements for withdrawal will be different.
 - **Applicant Candidates:** An Applicant Candidate will be required to submit a notice of withdrawal to the City Clerk's Office and update the financing status on the Candidate's Campaign finance reporting site. Any seed money collected may be considered Contributions to the Candidate's privately financed Campaign and may be maintained by the Candidate. Any Qualifying Contributions collected by the Candidate were collected as Contributions to the OEEC fund and are non-refundable.
 - **Participating Candidates:** A Participating Candidate who has been certified for public financing and has received funds from the OEEC may withdraw from public financing to either become a privately financed Candidate or to discontinue running for office. A Participating Candidate will be required to submit a notice of withdrawal to the City Clerk's Office and update the financing status on the Candidate's Campaign finance reporting site. A Participating Candidate who withdraws from public financing will also be required to return all the funds distributed to the Candidate from the Fund including interest as provided in [Article XVI, Section 12](#).
14. Can I use materials from my previous Campaigns, like signs, t-shirts, or logos?
- a) Yes. Any materials the Campaign uses from a previous Campaign such as signs, shirts, or a logo design should be valued and an in-kind Contribution should be entered on the Candidate's Campaign finance disclosure statement. This in-kind Contribution from the

previous Campaign will count against the Candidates aggregate in-kind Contribution threshold.

15. As a publicly financed Candidate, what do I need to know about Contributions?
 - a) Applicant Candidates and Participating Candidates cannot collect Contributions in the traditional sense.
 - b) An Applicant Candidate may accept seed money during the exploratory period and the Qualifying Contribution period. There is an individual and aggregate limit to the amount of seed money an Applicant Candidate may accept as explained above.
 - c) Applicant Candidates and Participating Candidates may accept in-kind Contributions. In-Kind Contributions are subject to individual and aggregate limitations. However, in-kind Contributions may be accepted as early as the exploratory period and until election day. In the case of a runoff, the individual and aggregate limits are reset for the runoff election.
16. As a publicly financed Candidate, can I accept loans?
 - a) Yes. However, a loan cannot be repaid with the distribution from the Open and Ethical Election Fund. If an Applicant Candidate has taken out a loan, they should repay the loan with seed money prior to receiving a distribution from the Fund.
17. As a publicly financed Candidate, what do I need to know about in-kind donations?
 - a) Applicant Candidates and Participating Candidates may accept in-kind Contributions from the exploratory period through election day.
 - b) In-Kind Contributions are subject to individual and aggregate limitations.
 - c) In-Kind Contributions do not count against the spending limit for Participating Candidates and will not be deducted from the distribution.
 - d) Certain in-kind Contributions do not count against the aggregate or individual limit, such as office space, or legal services. These exceptions can be found in [Article XVI, Section 3](#).
 - e) In-Kind Contributions must be reported as the fair market value for the item or service contributed.
 - f) A Campaign may not accept money as an in-kind Contribution, even if that money is meant for, or directed to pay for an item or a service. Any in-kind Contribution must be paid by the contributor to the vendor or service provider directly. The item or service received by the Campaign must be reported as the in-kind received and reported on the Campaign finance report as an in-kind Contribution at the fair market value for that item or service.
18. As a publicly financed Candidate, what do I need to know about Expenditures?
 - a) Applicant Candidates and Participating Candidates are subject to additional Expenditure limitations beyond those that apply to privately financed Candidates.
 - b) Applicant and Participating Candidates may begin making Expenditures as soon as they have seed money to expend.
 - c) An Applicant Candidate who has made Expenditures that do not comply with the regulations in [Article XVI](#) or in the [City Clerk's Rules and Regulations](#) may not be certified as a Participating Candidate.
 - d) Permissible and Prohibited Expenditures can be found in [Article XVI Section 8, §2-4-15](#) in the City of Albuquerque Code of Ordinance, [and Part 4 of the City Clerk's Rules and Regulations](#).
19. As a publicly financed Candidate, what do I need to know about coordination with a Measure Finance Committee ("MFC")?

- a) A publicly financed Candidate may coordinate with an MFC, however any coordination will need to be reported on the Candidate's financial disclosure report as an in-kind Contribution at the fair market value of the coordinated item (i.e. the mailer, TV or radio spot, etc.).
 - b) Publicly financed Candidates will need to be aware of the individual and aggregate in-kind Contribution limits as coordination with MFCs can reach both of these limits very quickly.
20. As a publicly financed Candidate, what do I need to know about a potential runoff?
- a) Runoffs are considered a separate election. For Participating Candidates, this means there will be a second distribution from the fund to the Candidate. Also, individual and aggregate in-kind limits are reset for the runoff. A Participating Candidate may opt out of public financing for the runoff and seek private financing instead. Participating Candidates must alert the City Clerk's Office as soon as possible if they do not intend to continue using public financing in the runoff election.

Part 11: Measure Finance Committees and Independent Expenditures

1. What is a Measure Finance Committee?
 - a) An MFC is a person or a group of individuals who has raised or spent \$250 or more in support of or in opposition to a Candidate or ballot measure.
 - b) The City Clerk's Office considers any person or group who meets this definition to be an MFC whether or not they have yet registered as an MFC with the City Clerk's Office and may reach out to an individual or group to request they register.
 - c) A person or group should proactively register as an MFC prior to raising or spending funds in an election cycle if the person or group intends to raise or spend more than \$250 to support or oppose a Candidate or ballot measure.
2. What forms are required to become an MFC?
 - a) An MFC will need to submit a registration form, and a contact form.
 - b) When an MFC has closed their bank account, or zeroed out their account, and are no longer participating in the election cycle, they will need to submit a form with information how they disposed of the remaining funds in their account.
 - c) At the end of an election cycle MFCs are required to inform the City Clerk's Office of how any remaining funds were disposed of and confirm that the bank account has been closed or zeroed out.
3. What roles are required for an MFC?
 - a) An MFC is required to name a Chairperson and a Treasurer. There are no other required roles, however an MFC can choose to name other roles in their organization.
4. How does an MFC register in the Campaign Finance System?
 - a) Information on how an MFC can register in the Campaign Finance Reporting Site can be found on the City Clerk's Website under training videos.
 - b) An MFC can also request an in-person training on how to get registered and used the Campaign finance reporting site.
5. What financial disclosures are required to be submitted to the City Clerk?
 - a) MFCs are required to file financial disclosures in accordance with [Article XIII, Section 4](#).
 - b) For more information on requirements for financial disclosures please read through the Financial Disclosure section of this Guide

6. What Campaign materials are required to be submitted to the City Clerk?
 - a) Images (and links, etc.) are required to be submitted along with financial disclosure reports.
 - b) For more information on the requirements for Campaign materials, please read through the Campaign Materials section of this Guide.
7. What disclaimers are required on Campaign materials?
 - a) Disclaimers will be subject to different requirements depending on the type of Committee, and whether the Committee is coordinating with a Candidate, making an independent Expenditure, or supporting/opposing a ballot measure.
 - b) For more information on the requirements for disclaimers, refer to [Article XIII, Section 5](#), as well as the [City Clerk's Rules and Regulations Part 13](#).
8. Are MFCs allowed to coordinate with Candidates?
 - a) MFCs are allowed to coordinate with Candidates, however these are considered Coordinated Expenditures and must be reported by both the MFC and the Candidate.
9. Do organizations have electioneering communication exemptions to communicate with members?
 - a) A registered MFC with the City Clerk's office does not have an electioneering communication exemption.
 - b) However, an organization that wishes to avail itself of electioneering communication that does not advocate for or against a Candidate or ballot measure may do so from a bank account not associated with the registered MFC with the City Clerk's Office.
 - c) The City Clerk's Office encourages organizations wishing to form an MFC to participate in an election cycle to register with a separate bank account not associated with the organization's general treasury.
10. Are MFCs subject to Contributions or Expenditure thresholds?
 - a) MFCs are not subject to Contribution or Expenditure thresholds. MFCs must report all Contributions and Expenditures with the same level of detail as required for Candidates.

Part 12: Current Office Holders

1. What can/can't my staff do for my Campaign?
 - a) Generally speaking, this is determined by rules and regulations within the Candidate's current office or organization, rather than the City's Election Code or Rules and Regulations.
 - b) Current office holders within the City of Albuquerque should familiarize themselves with [AI 4-5](#), [Article XII, §§6-7](#) of the City Charter, and the [Personnel Rules and Regulations](#).
 - c) Current office holders within the County of Bernalillo should familiarize themselves with the County Code of Conduct.
 - d) Current office holders within the State of New Mexico should familiarize themselves with NMSA Chapter 10, Article 16: Governmental Conduct.
2. What are the rules regarding uniforms or official logos?
 - a) These rules are determined by the organization or entity.
 - b) Please ensure you are in compliance with any organization or entities' rules and regulations prior to using an official logo including staff or volunteers wearing their uniforms or logos in your print or tv ads.
3. Can I use my official headshot or other photos taken while doing official work on my Campaign?

- a) Candidates should not use their official headshots. However, if the entity (the City, County, or Organization) that paid for the photograph is willing to donate the photo to your Campaign you can report the Contribution as an in-kind Contribution to your Campaign as long as this is not contrary to your organization's rules and regulations, code, etc.
 - b) The in-kind Contributions should include the value of the photo (as best estimated) along with the cost of the photography services.
4. Can my Campaign use yard signs, t-shirts, or other materials from my past Campaigns?
- a) Yes. The Campaign should make the best possible approximation for the value of these items and report the value of the in-kind Contribution from the previous Campaign.

Part 13: Complaints

1. Who can file a complaint?
 - a) Any individual can file a complaint with the City Clerk's Office. A complaint can also be filed on behalf of a Campaign or a Committee as long as a contact for the Campaign or Committee is named.
2. How do individuals submit a complaint against a Candidate or Committee?
 - a) The Complaint form is an [electronic PDF](#) on the City Clerk's website. This form can be filled out electronically, but must be notarized and submitted to the City Clerk's Office in person.
3. What rules govern a complaint?
 - a) Rules regarding a complaint and the process can be found both in the [Board of Ethics Rules and Regulations](#) and the [City Clerk's Rules and Regulations](#). It's important to be aware of all the rules surrounding the complaint process.
4. Are the subjects of complaints offered voluntary compliance or mediation?
 - a) Respondents may be offered mediation and/or voluntary compliance. A respondent can also request mediation or voluntary compliance on their own accord once a complaint has been filed.
5. Do complainants or respondents need legal representation?
 - a) Legal representation is not required to file a complaint, or to respond to a complaint. Please note that the City Clerk's Office cannot provide legal advice to a complainant or respondent.

Part 14: Tips and Best Practices

1. Who is responsible for a Candidate's Campaign?
 - a) The Candidate is responsible for the Campaign, the Campaign staff, and volunteers. It is the Candidate's responsibility to ensure Campaign staff and volunteers are trained and well informed of the rules and regulations.
 - b) If a Candidate or a Candidate's representative suspects that a staff member or volunteer has made an error or committed fraud, the Candidate should immediately inform the City Clerk's Office. The City Clerk's Office will work with the Campaign to mitigate any error or fraud brought voluntarily to our attention.
2. Seed Money
 - a) Applicant Candidates should be sure seed money is only collected from residents from the City of Albuquerque. If seed money is mistakenly collected from someone outside of

the City of Albuquerque, please notify the City Clerk and the Campaign and Election Auditor and refund the Contribution as soon as possible.

3. Qualifying Contributions
 - a) Qualifying Contributions may only come from registered voters in the district the Candidate is seeking to represent.
 - b) Though an individual will be able to submit a QC through the website and through a paper receipt, only one QC per voter will count to a Candidate's total.
 - c) Voters can contribute to all Candidates in their district.
 - d) As a Candidate, you can't be present for every Qualifying Contribution made. It's your responsibility to ensure your volunteers and representatives are well trained and informed of the rules and regulations before they begin collecting Qualifying Contributions on your behalf.
 - e) Don't sign or submit fraudulent Qualifying Contributions.
4. Petitions
 - a) Petitions may only be signed by registered voters in the district the Candidate is seeking to represent.
 - b) A voter may only sign one petition for a Candidate for any single office in their district.
 - c) If a voter has signed multiple petitions for Candidates in the same district, these signatures may be contested in District Court.
 - d) As a Candidate, you can't be present for every signature made to your petition forms. It's your responsibility to ensure your volunteers and representatives are well trained and informed of the rules and regulations before they begin collecting signatures on your behalf.
5. Contributions
 - a) Privately financed Candidates are not subject to aggregate Contribution limits. However, Candidates need to be aware of the individual Contribution limits.
 - b) Privately financed Candidates may accept Contributions from any Person as defined in the Election Code subject to some limitations such as foreign nationals, companies or organizations with active contracts with the City, and State PACs.
 - c) If a Candidate mistakenly accepts a Contribution over the individual limit or from a Person not allowed to donate to a Candidate in a municipal election, please notify the City Clerk and the Campaign and Election Auditor and refund the Contribution as soon as possible.
6. Expenditures
 - a) All Candidates are subject to regulations regarding Expenditures, though Applicant and Participating Candidates are subject to additional regulations.
 - b) Generally speaking, Candidates should not make Expenditures for any purposes other than the furtherance of the Candidate's nomination or election.
7. Financial Disclosures
 - a) There is a week between the end of a reporting period and when a report is due (until the month before the election.) The City Clerk encourages Candidates and their treasurers to not wait until the last minute to file their report. The City Clerk's Office can assist with filing questions, or troubleshooting issues with the reporting site if given enough time prior to the reporting deadline.
8. Coordination and Independent Expenditures

- a) MFCs are permitted to make either Coordinated or Independent Expenditures on behalf of or in opposition to Candidates or ballot measures. Depending on the type of Expenditure, they will need to be reported in different ways.
 - b) A Coordinated Expenditure will need to be reported as both an Expenditure for the MFC and an In-Kind Contribution for the Candidate.
 - c) An Independent Expenditure will only need to be reported as an Expenditure for the MFC.
9. Running for office as a current office holder
- a) The City Clerk's Office encourages Candidates to meet with a representative from legal or HR in the Candidate's current organization or entity prior to running for office. The City Clerk's Office encourages Candidates to be aware of all the rules and regulations regarding the Candidate's current place of employment.
10. Record Keeping
- a) Record keeping regarding a Candidate's financial disclosures, Contributions and Expenditures is incredibly important. The Campaign and Election Auditor can request additional information on any financial disclosure for up to a year following an election cycle.
11. Where/When can you post signs and who can I call if I see a sign posted illegally?
- a) Rules regarding temporary signs are governed by the Integrated Development Ordinance. There is a helpful guide regarding these regulations on the City Clerk's website here: [Sign Regulations — City of Albuquerque \(cabq.gov\)](#).
 - b) If an individual sees a sign posted outside of these regulations, the City Clerk's Office encourages individuals to report the illegally posted signs to Code Enforcement.

Part 15: Resources

- [City Clerk's Rules and Regulations for the EC and the OEEC](#)
- [Albuquerque City Charter](#)
- [Albuquerque City Code](#)
- [NMSA Chapter 1](#)
- [Board of Ethics Rules and Regulations](#)
- [City of Albuquerque AI 7-8](#)
- [City of Albuquerque AI 7-19](#)