



**Office of the City Clerk**  
**Katy Duhigg**

2019 Candidate Guide

## 2019 Candidate Information Guide Revision History

Revision Number	Date	Updates
1.0	3/12/19	Original Publication Date
2.0	3/19/19	Exploratory Period, addition to Expenditure section
3.0	4/15/19	Updates calendar, roles of city and county Clerks, and petitions section to align with HB 407, update to qualifying contribution section regarding Clean Campaign Portal, addition of 2019 Guidance regarding Clean Campaign Portal
4.0	5/16/19	Addition of 2019 guidance regarding returns of seed money

## About this Guide:

This publication has been prepared by the Office of the City Clerk of Albuquerque, New Mexico, to serve as a reference for candidates seeking municipal office in the 2019 regular local election. We recommend that even experienced candidates take time to review this guide as recent amendments to local and state laws have made dramatic changes to the way elections are managed in New Mexico.

Please note, this guide is intended to be a reference on the election process and not a legal authority. Despite our good faith efforts and multiple reviews, this guide may contain inadvertent errors. Please email [cityclerk@cabq.gov](mailto:cityclerk@cabq.gov) immediately if you notice any error. Also, please remember that this guide is not a substitute for legal research or for the advice of an attorney.

Copies of the New Mexico Election Code, the Local Election Act, and the City Charter can all be obtained electronically. It is important that users of this guide read it in conjunction with the laws referenced herein.

This guide is written specifically for City Council candidates for the 2019 regular local election. For candidates looking for information on any future election, we suggest emailing your questions to [cityclerk@cabq.gov](mailto:cityclerk@cabq.gov).

This guide will be updated as necessary. Please check back regularly to make sure you have the most recent version of the guide. The guide will be maintained on the main page of City Clerk's election webpage at [www.cabq.gov/vote](http://www.cabq.gov/vote).

If you have any questions about the information in this guide or if you have questions regarding running for office that are not addressed in this guide, please feel free to call the City Clerk's office at: 505-924-3650 or email at [cityclerk@cabq.gov](mailto:cityclerk@cabq.gov).

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## 2019 Candidate Calendar:



# CANDIDATE CALENDAR FOR THE 2019 REGULAR LOCAL ELECTION

\*Calendar subject to change. Check back regularly for updates.\*

Date (including days to and from the election)	Activity, Requirement or Deadline
March 7 243 days before election	Public Hearing on 2019 Regulations
Fri, March 15 235 days before election	First day of Public Financing Exploratory Period for Council Candidates (City Charter Article XVI § 3(G)) <i>Exploratory Period is from March 15-April 30</i>
Fri, March 15 235 days before election	First day for Council Candidates to submit Declaration of Intent to seek public financing. Council Candidates may file their intent to seek public financing on March 15 or at any point after March 15 <sup>th</sup> until the Qualifying Period has closed. (2019 Regulations of the OEEC Part C §2)  In order to File the Declaration of Intent, the applicant candidate must schedule an appointment with the City Clerk at least one day prior to filing. Clerk will review public finance process with candidate and provide the Declaration of Intent for public financing.
March 18-22 232 days before election	One-on-one meetings with City Clerk by Appointment
Mon, April 8 211 days before election	<b>First Campaign Disclosure Statement Due.</b> First campaign disclosure statement due at the City Clerk's office by 5:00pm (City Charter Article XIII § 4(c)(2)(B))
Thurs, April 25 194 days before	Mandatory Orientation Session with City Clerk and Auditor. <u>Candidates may not circulate Petitions or collect Qualifying Contributions</u>

election	<p><b><u>without meeting with the City Clerk to receive all necessary forms and information.</u></b> You are encouraged to bring your campaign manager and/or Treasurer with you. Candidates will receive instructions on collecting signatures and financial reporting compliance. This is a very important meeting.</p> <p>Candidates who are unable to attend the Orientation Session must schedule an appointment with the City Clerk prior to circulating petitions or collecting qualifying contributions.</p>
Tues, April 30 189 days before election	Last day of Public Financing Exploratory Period for Council Candidates (City Charter Article XVI § 3(G))
Wed, May 1 188 days before election	First day of Public Financing Qualifying Period for Council Candidates (City Charter Article XVI § 3(Q)) <sup>1</sup> Qualifying Period is from May 1-May 31.
Wed, May 1 188 days before election	First day for Council candidates to collect signatures for Petitions. Candidates must gather the signatures of 500 voters registered within the district the candidate wishes to represent. (City Charter Article II § 4) Signature Period is from May 1-June 28. (§ 2-4-13(B)(2) ROA)
Fri, May 10 179 days before election	Weekly return of petitions and qualifying contributions to City Clerk by Noon. (2019 Regulations of the OEEC, Part C § 7)
Mon, May 13 176 days before election	<p>Biannual Disclosure Statement due for elected officials reporting all contributions and expenditures made and contributions received on or before the second Monday in May and not previously reported. The on-line reporting statement must be filed (posted) no later than 5:00pm. (City Charter Article XII § 4)</p> <p><b>**In an election year, rather than filing biannual disclosure statements, reporting individuals who are candidates for office shall file campaign disclosure statements.</b></p>
Mon, May 13 176 days before election	<b>Second Campaign Disclosure Statement Due.</b> Second campaign disclosure statement due at the City Clerk's office by 5:00pm (City Charter Article XIII § 4(c)(2)(B))
Fri, May 17 172 days before election	Weekly return of petitions and qualifying contributions to City Clerk by Noon. (2019 Regulations of the OEEC, Part C § 7)
Fri, May 24	Weekly return of petitions and qualifying contributions to City Clerk by Noon. (2019

<sup>1</sup> During the Qualifying Period, Applicant Candidates for City Council must obtain Qualifying Contributions from a minimum of 1% of the City voters registered in the district that the AC wishes to represent. City Charter Article XVI § 5.

165 days before election	Regulations of the OEEC, Part C § 7)
Mon, May 27 162 days before election	Memorial Day Holiday – City of Albuquerque Closed
Fri, May 31 158 days before election	Last day of Public Financing Qualifying Period for Council Candidates (City Charter Article XVI § 3(Q)). Applicant Candidates may collect qualifying contributions until 11:59 p.m. on May 31, Qualifying contributions collected after 11:59pm on May 31 will not count towards an Applicant Candidate's certification for public financing.
Mon, June 3 155 days before election	Deadline for Council Public Financing Applicant Candidates to submit their Application for Certification to the City Clerk. (2019 Regulations of the OEEC, Part C § 9)
Mon, June 3 155 days before election	City Clerk certifies Council Public Financing Applicant Candidates meeting the requirements of the Open and Ethical Elections Code as Participating Candidates. (City Charter Article XVI § 7(B))
Mon, June 3 155 days before election	Following certification, the City Clerk distributes revenue to Public Financing Participating Candidates (City Charter Article XVI § 12) The distribution is completed electronically between the City Treasurer and the candidate's financial institution. The banking process can take several business days to complete.
Mon, June 3 155 days before election	<b>NOON:</b> Deadline for Council Applicant Candidates to submit their final Qualifying Contributions and corresponding receipts to Office of the City Clerk. (City Charter Article XVI § 7(C)) (2019 Regulations of the OEEC Part C § 7(d))
Fri, June 7 151 days before election	Weekly return of petitions to City Clerk by Noon.
Mon, June 10 148 days before election	<b>Third Campaign Disclosure Statement Due.</b> Third campaign disclosure statement due at the City Clerk's office by 5:00pm (City Charter Article XIII § 4(c)(2)(B))
Fri, June 14 144 days before election	Weekly return of petitions to City Clerk by Noon.
Mon, June 17 141 days before	Deadline for Applicant Candidates to return unused Qualifying Contribution Receipt Books to the Office of the City Clerk. (2019 Regulations of the OEEC Part



election	C § 4)
Fri, June 21 137 days before election	Weekly return of petitions to City Clerk by Noon.
Fri, June 28 130 days before election	<b>5:00 p.m.</b> Deadline for Council Candidates to submit Petitions to the Office of the City Clerk containing the signatures of 500 registered voters in the district that the candidate wishes to represent (City Charter Article II § 4 and § 2-4-13(B)-(C) ROA)
Mon, July 1 127 days before election	Elected Official's Annual Financial Statement Due (City Charter Article XII § 5(d))
Mon, July 8 120 days before election	<b>Fourth Campaign Disclosure Statement Due.</b> Fourth campaign disclosure statement due at the City Clerk's office by 5:00pm (City Charter Article XIII § 4(c)(2)(B))
Wed, August 7 90 days before election	Secretary of State issues local election proclamation. Candidates must physically reside in district they seek to represent, and their voter registration must show that they are both a qualified elector and are registered to vote in the district, as of this date. (NMSA §§ 1-22-3(B), 1-22-4)
Mon, Aug 12 85 days before election	<b>Fifth Campaign Disclosure Statement Due.</b> Fifth campaign disclosure statement due at the City Clerk's office by 5:00pm (City Charter Article XIII § 4(c)(2)(B))
Tues, Aug 27 70 days before election	<b>Declaration of Candidacy</b>  Candidates must file their Declarations of Candidacy and verified Nominating Petitions with the County Clerk between 9:00 a.m. and 5:00 p.m. (NMSA § 1-22-7).
Thurs, Aug 29 68 days before election	<b>Deadline for Candidates to File Organization and Income Disclosure Statement.</b> Candidates shall file with the City Clerk their disclosure statements reflecting the candidate's memberships and positions in professional organizations; their sources of income producing 5% or more of the candidate's total income; businesses relationships with the City; and, real estate interests within Bernalillo County exclusive of the candidate's home. (City Charter Article XIII § 3)
Tues, Sept 3 63 days before election	<b>5:00 p.m. Withdrawal of Candidacy</b> Last day for certified candidates to withdraw candidacy with the County Clerk (NMSA § 1-22-9)

Tues, Sept 3 63 days before election	<b>9:00 a.m. to 5:00 p.m. Filing day for Write-in Candidates</b>  Candidates must file with the County Clerk (NMSA § 1-22-8.1)
Tues, Sept 3 63 days before election	Deadline for any voter to challenge the candidacy of any person seeking election at the regular local election for the reason that the person does not meet the requirements for the office sought by filing a petition in the district court. (NMSA § 1-22-10(B))
Fri, Sept 6 60 days before election	County Clerk notifies Participating Candidates who have been qualified and placed on the ballot. (NMSA § 1-22-10(A))
Fri, Sept 6 60 days before election	First day candidates may display <b>political signs</b> . (§14-16-3-5(C)(3) ROA 1994)
Mon, Sept 9 57 days before election	<b>Sixth Campaign Disclosure Statement Due.</b> Sixth campaign disclosure statement due at the City Clerk's office by 5:00pm (City Charter Article XIII § 4(c)(2)(B))
Sat, Sept 21 45 days before election	County Clerk shall transmit ballots to federal qualified electors whose applications have been accepted up to and on this day (NMSA § 1-6B-7) <i>Uniformed and Overseas Citizens Absentee Voting Act</i> is commonly referred to as <i>UOCAVA-MOVE ACT (45 days before the election)-Must be done on this day regardless of weekend or holiday.</i>
Tues, Sept 24 42 days before election	Deadline for Unopposed Participating Candidates to return public financing funds to the City Clerk. (2019 Regulations of the OEEC, Part D §7)
Tues, Oct 1 35 days before election	<b>5:00 p.m. Deadline for any group of 3 candidates to provide written notice to Secretary of State to appoint watchers for early voting.</b> (NMSA § 1-22-27(B))
Mon, Oct 7 29 days before election	Deadline for Unopposed Participating Candidates to return public financing funds to the City Clerk. (2019 Regulations of the OEEC Part D § 6) Applies only to Participating Candidates whose opposing candidate was a write-in that withdrew.
Tues, Oct 8 28 days before election	<b>Last day to register to vote, or update voter registration with County Clerk</b> (NMSA § 1-4-8(A))
Tues, Oct 8 28 days before	<b>Early Voting at County Clerk Annex.</b> First day for in-person early voting at the County Clerk's Office. (NMSA § 1-6-5.7(A))

election	
Tues, Oct 8 28 days before election	<b>Absentee Ballots.</b> First day for County Clerk to issue absentee ballots to voters whose applications have been approved. (NMSA § 1-6-5(F))
Mon, Oct 14 22 days before election	<b>Seventh Campaign Disclosure Statement Due.</b> Seventh campaign disclosure statement due at the City Clerk's office by 5:00pm (City Charter Article XIII § 4(c)(2)(B))
Sat, Oct 19 17 days before election	<b>Early Voting at All Early Vote Locations</b> First day for in-person early voting at all early voting sites. (NMSA § 1-6-5.7(B))
Mon, Oct 21	<b>Eighth Campaign Disclosure Statement Due.</b> Eighth campaign disclosure statement due at the City Clerk's office by 5:00pm (City Charter Article XIII § 4(c)(2)(B))
Mon, Oct 28	<b>Ninth Campaign Disclosure Statement Due.</b> Ninth campaign disclosure statement due at the City Clerk's office by 5:00pm (City Charter Article XIII § 4(c)(2)(B))
Tues, Oct 29 7 days before election	<b>5:00 p.m. Deadline for any group of 3 candidates to provide written notice to Secretary of State to appoint watchers for Election Day..</b> (NMSA § 1-22-27(B))
Wed, Oct 30 6 days before election	<b>Notify Candidates of Mandatory meeting with Board of Ethics scheduled for Friday, Nov 1<sup>st</sup>.</b> Candidates appear before Board of Ethics between noon Friday before the election and the Election Day. This is a mandatory meeting and is usually scheduled at 4:00 p.m. Candidates shall receive a <i>minimum of three days written notice of the meeting.</i> (City Charter, Article XIII § 4(j)(3))
Fri, Nov 1 4 days before election	<b>Mandatory meeting with Board of Ethics.</b> Candidates appear before Board of Ethics. This is a mandatory meeting and is usually scheduled at 4:00 p.m. Candidates shall receive a minimum of three days written notice of the meeting. (City Charter, Article XIII § 4(j)(3))
Fri, Nov 1 4 days before election	<b>Supplemental Financial Reports.</b> Any contribution or pledge to contribute of \$500 or more shall be reported to the City Clerk within 24 hours. (City Charter Article XIII § 4(c)(2)(B))
Sat, Nov 2 3 days before election	Last day for early voting (NMSA §1-6-5.7(A))
Mon, Nov 4	<b><u>Tenth Campaign Disclosure Statement Due.</u></b> Tenth campaign disclosure <u>statement due</u> at the City Clerk's office by 5:00pm (City Charter Article XIII §

	4(c)(2)(B))
<b>TUES, NOV. 5 ELECTION DAY</b>	<b><u>Polls Open at 7:00 a.m. and close at 7:00 p.m.</u></b> (NMSA § 1-22-3(A))  7:00 p.m. Polls Close. Any voter in line waiting to vote may vote. (NMSA § 1-12-26)
<b>Runoff Election</b>	If no candidate receives 50% of the votes cast for the particular office in question, a runoff election shall be held <b>within forty-five days after certification of the results of the election</b> . The Council shall by resolution fix the date of the runoff election. The resolution shall be published once, at least seven days before the runoff election date. (City Charter Article II § 8)
Mon, Nov 11 6 days after election	Biannual Disclosure Statement due by 5:00pm for elected officials reporting all contributions and expenditures made and contributions received on or before the second Monday in November and not previously reported (City Charter Article XIII § 4)  **In an election year, rather than filing biannual disclosure statements, reporting individuals who are candidates for office shall file campaign disclosure statements.
Fri, Nov 15 10 days after election	<b>Political Signs</b> Last day to take down political signs (except for runoff candidates). (§14-16-3-5(C)(3) ROA 1994).
Tues, Nov 19 14 days after election	<b>Refund unspent Regular Election Public funds</b> Deadline for Participating Candidates to pay City Clerk all unspent or unencumbered funds received from the Open and Ethical Elections Fund and any Seed money from the regular election.  (City Charter Article XVI § 8(C))
Thurs, Dec 5 30 days after election	<b>Eleventh Campaign Disclosure Statement Due.</b> Eleventh campaign disclosure statement due at the City Clerk's office by 5:00pm (City Charter Article XIII § 4(c)(2)(B))

## 2019 Financial Reporting Calendar:



## 2019 Regular Local Election Financial Reporting Calendar

Statement 1:	Monday, April 8 <sup>th</sup> , by 5:00pm
Statement 2:	Monday, May 13 <sup>th</sup> , by 5:00pm
Statement 3:	Monday, June 10 <sup>th</sup> , by 5:00pm
Statement 4:	Monday, July 8 <sup>th</sup> , by 5:00pm
Statement 5:	Monday, August 12 <sup>th</sup> , by 5:00pm
Statement 6:	Monday, September 9 <sup>th</sup> , by 5:00pm
Statement 7:	Monday, October 14 <sup>th</sup> , by 5:00pm
Statement 8:	Monday, October 21 <sup>st</sup> , by 5:00pm
Statement 9:	Monday, October 28 <sup>th</sup> , by 5:00pm
Daily Supplementals: (Reporting items over \$500 threshold)	Friday, November 1 <sup>st</sup> , within 24 hours
Statement 10:	Monday, November 4 <sup>th</sup> , by 5:00pm
Statement 11:	Thursday, December 5 <sup>th</sup> , by 5:00pm

\*Recent updates to the 2019 Regulations for the Open and Ethical Elections Code have removed the additional reporting requirement of the Seed Money reports for publically financed candidates. Publically financed candidates are required to file financial disclosures on the schedule outlined above, but are not subject to any additional disclosures. (2019 City Clerk Regulations for the OEEC)

## Roles of City Clerk and County Clerk:

Due to recent changes in local and state laws, the roles of the City and County Clerk have shifted and will affect the way candidates conduct their campaign in the 2019 election cycle. Though we encourage you to read the Local Election Act, the Albuquerque City Charter, and the Administrative Rules, all of which can be found online, below we've highlighted the major roles of the City Clerk and the County Clerk as they pertain to a candidate for City Council.

### 1. City Clerk:

- Optional one-on-one meetings prior to the Public Financing Exploratory Period to answer any questions you have.
- Mandatory Orientation Session with the financial reporting auditor prior to the Public Financing Qualifying Period to discuss financial reporting.
- Accepts the Declaration of Intent prior or during the Public Financing Qualifying Period for any candidate seeking public financing.
- Manages and oversees the Public Financing Qualifying Period and the collection of the \$5 contributions.
- Manages and verifies nominating petition signatures for qualification as a candidate.
- Manages the financial reporting for all candidates and committees.
- Accepts Board of Ethics complaints.
- Accepts requests for advisory opinions.

### 2. County Clerk:

- Accepts Declaration of Candidacy.
- Accepts Withdrawal of Candidacy.
- Accepts Nominating Petitions, following signature verification by City Clerk.
- Determines ballot order of candidates.
- Administers all aspects of the election, including absentee ballots, polling locations, and canvass of the election.

## Eligibility Requirements:

New Mexico law outlines certain requirements for candidates to have their name printed on a ballot based upon the candidate's voter registration information. In order to become a candidate, the person's record of voter registration must show that the person is a qualified elector of the state, physically resides in the district in which the person is a candidate and was registered to vote in the district on the date the proclamation calling a local election is filed in the office of the Secretary of State.

By law, the Secretary of State's Election Proclamation is issued ninety (90) days before the election. In 2019, the Secretary of State will issue the Election Proclamation for the November 2019 City Council race on August 7, 2019. Any changes to voter registration must be effective on the date of the Election Proclamation. Attempted changes to ballot name appearance at the time of candidate filing is NOT allowed.

Additionally, in order to appear on the ballot, the candidate must not have any outstanding campaign finance compliance issues or fines with the office of the City Clerk.

## Public Financing Exploratory Period:

The exploratory period for candidates running for City Council who are seeking public financing begins on March 15<sup>th</sup> and runs through April 30<sup>th</sup>. This is the time frame when candidates can submit their intent to seek public financing, and may begin collecting seed money and in-kind contributions.

### 1. Seed Money

Candidates seeking public financing may raise seed money during the exploratory period and the qualifying period, but not after. Candidates may accept no more than \$100 of seed money per person, and may donate no more than \$500 of seed money to their own campaign. Seed money may not exceed 10% of the applicable spending limit. The spending limits differ per Council district based on the number of voters in each district. That number is posted on the City Clerk's website. Any seed money raised will be deducted from the applicants Fund distribution. Any seed money raised in excess of the 10% limit will also be deducted from the Fund distribution and may also be a violation of the OEEC.

### 2. In-Kind Contributions

In-Kind Contributions are goods or services that are donated or provided to the campaign at no cost or at a cost discount of 20% or more. In-kind contributions are subject to contribution limits to both publically financed and privately financed candidates.

Publically financed candidates may begin receiving in-kind contributions at the beginning of the exploratory period through the regular election or runoff election. The total in-kind contributions cannot exceed 10% of the spending limit (which is posted on the Clerk's website) and any individual in-kind contribution cannot exceed 5% of the annual salary for the office being sought. **In 2019, each City Council seat up for election has an annual salary of \$30,000.**

For publically financed candidates participating in the 2019 City Council elections, the per person limit for in-kind contributions is \$1,500.00.

The aggregate total of in-kind contributions for candidates in each City Council district for the regular local election in 2019 are:

District 2	\$4,317.40
District 4	\$3,911.90
District 6	\$3,197.90
District 8	\$4,240.40

In the event of a runoff election, new in-kind contribution limits will be provided by the Office of the City Clerk.

### 3. Expenditures

Publically financed candidates may only use seed money and in-kind contributions to make expenditures during the exploratory period.

## Petitions:

### 1. Minimum Number of Signatures:

To qualify as a City Council Candidate for the 2019 Regular Local Election, a person must submit to the City Clerk **500** verified signatures from registered voters in their district.

### 2. Form Used:

The form used to collect petition signatures is outlined in New Mexico law (NMSA 1978 §§ 1-8-30, 1-8-50 and 1-8-65) and the form provided by the City Clerk is the only acceptable form. Candidates may make as many copies as necessary of the form. Petition forms must be on 8.5" x 11" sized normal weight copy paper and must be copied on only one side of the paper. Submitting previous versions of the petition form or alternative versions of the form is not allowable and will not be accepted. With or without a showing of fraud or a reasonable opportunity for fraud, a nominating petition shall be considered invalid if the required information is not listed on the petition before the petition is signed by a voter or if any of the required information is subsequently changed in any way. Do not scratch out, use white out, or otherwise alter the items filled in on the header of the petition form. The petition form is an electronically fillable form and all information at the top of the form must be completed before signatures are collected. Candidates not electronically filling the form must assure that forms are filled in with blue or black ink and are legible.

The City Clerk recommends that a candidate accurately fills in the required information and make copies of the properly filled form to collect all signatures in order to avoid candidacy challenges. State law requires the following information on all nominating petitions:

- The candidate's name (as it appears on the candidate's certificate of registration);
- The candidate's address (as it appears on the candidate's certificate of registration);
- The office the candidate seeks; and,
- The district of the office sought.

Because City of Albuquerque elections are non-partisan, candidates need not indicate their party affiliation on the nominating petitions.



### 3. Circulating Nominating Petitions

For candidates circulating petitions, it is extremely important that individuals assisting the candidate with collecting petition signatures are adequately trained and appropriately informed. Candidates and the individuals assisting them risk significant implications for failing to follow the law regarding petitions. Specifically:

- A person knowingly falsifying any information on a nominating petition is guilty of falsifying an election document (NMSA 1978 § 1-8-32). Falsifying an election document is a fourth degree felony (NMSA 1978 § 1-20-9(F)).
- It is a misdemeanor to knowingly circulate, present, or offer to present a nominating petition for the signature of a voter that does not contain the information specified under the law (NMSA 1978 § 1-8-32(B)).
- Petitions submitted that are not in compliance with the law are not counted, which invalidates the signatures on those petitions, therefore not counting towards the candidate's required number of nominating signatures.

If the candidate fails to obtain the minimum number of valid nominating signatures, the candidate will not be qualified to appear on the ballot. A person who signs a nominating petition shall sign only one petition for the same. A person who signs a nominating petition shall indicate the person's registration address. If the person does not have a standard street address, the person may provide the mailing address as shown on the person's certificate of registration. A signature shall be counted on a nominating petition unless there is evidence presented that the person signing:

- failed to provide information required by the nominating petition;
- is not a voter of the state, district, county or area to be represented by the office for which the person seeking the nomination is a candidate;
- has signed more than one petition for the same office, or has signed one petition more than once;
- is not the person whose name appears on the nominating petition.

Because City of Albuquerque elections are non-partisan, the party affiliation of the person signing is not a basis for rejecting a signature.

### 4. Submission of Nominating Petitions

Nominating petitions are submitted to the City Clerk for signature verification each Friday during the Nominating Petition period, with the final submission of all signatures due by 5:00pm on June 28, 2019. Only signatures on original petition pages are counted. Copied, reproduced, or electronically stored petitions are not counted by the City Clerk and signatures contained on those petitions are not counted toward the number of required signatures. After all petition signatures have been verified by the City Clerk, candidates are responsible for submitting the verified Nominating Petitions to the County Clerk, along with their Declaration of Candidacy, by 5:00pm on August 27, 2019.

Number of signatures: Individual petition pages may contain one (1) to ten (10) signatures. The total number of petition forms must contain 500 valid signatures to qualify the candidate for the ballot. Petitions with incomplete voter information are not counted. Each signature line requires the signature of the voter, the voter's name printed as registered, the address as registered, and the city or zip code. For example, if a petition contains 10 voter signatures, but 3 of those voters failed to provide the required information, those 3 signatures are not counted, but the remaining 7 are counted. No alterations may be made to submitted petitions. Additionally, once the petitions are submitted to the County Clerk, no person is permitted to revoke their signature. (NMSA 1978 § 1-8-34) Candidates are encouraged to make copies of their petitions prior to filing them with the County Clerk for the candidate's own records. Copies will not be provided at the time of filing for office. When submitting petitions, candidates must submit all original petitions. (NMSA 1978 §1-8-30(E))

Nomination petitions shall be returned to the City Clerk's office each Friday of the petition gathering period. The City Clerk's staff will be verifying petition signatures throughout the petition gathering period.

## Qualifying Contributions:

Candidates seeking office as a publically 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)

### 1. Number of Qualifying Contributions:

For City Council, a candidate must obtain qualifying contributions from 1% of the registered voters in the district they are seeking to represent. The exact number for each district will be determined on April 15, 2019 and posted online, as well as communicated to each candidate who has filed their Declaration of Intent at that point.

### 2. Timeframe:

City Council candidates may collect qualifying contributions from May 1, 2019 through May 31, 2019.

### 3. Qualifying Contribution Books:

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 candidates 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 both original white and yellow 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.

#### **4. Qualifying Contribution Website:**

All candidates who have filed a Declaration of Intent to Seek Public Financing, and who do not have any outstanding campaign finance compliance issues or fines with the Office of the City Clerk or Board of Ethics, will be included on the City Clerk's new web-based application, the Clean Campaign Portal ("CCP"). The CCP can be found at <https://www.cabqcleancampaign.org/>. This website will allow candidates to accept electronic qualifying contributions. All candidates using the CCP must abide by the City Clerk's 2019 Guidance for the CCP, attached, and any amendments thereto. The CCP is the only allowable method for a candidate to accept electronic qualifying contributions.

The CCP allows for automatic voter verification. Potential contributors will be asked to verify their voter registration and then will be directed to electronically contribute to a campaign. This will allow for additional means for donation, and will provide a nearly immediate tally of a candidate's accurate number of verified qualifying donations. Because the site verifies a voter's registration prior to allowing for donation, it requires additional personal information that the receipt books do not. We encourage candidates to utilize both options.

#### **5. Soliciting Qualifying Contributions:**

Candidates may solicit qualifying contributions from all registered voters in the district the candidate is seeking 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.

#### **6. Contribution Reporting:**

Candidates shall bring fully or partially completed receipt books to the City Clerk's office each Friday of the qualifying period. For each book submitted, a corresponding amount of \$5 contributions shall be attached to the book and submitted at the same time. The final submission of books and contributions shall be made on June 1, 2019.

#### **7. Verification of Contributions:**

The Office of the City Clerk will verify each qualifying contribution to make sure the contribution counts toward the candidate's minimum number of contributions necessary to participate in the public financing program. The City Clerk staff will notify the candidate of the number of contributions accepted and rejected. In the event that candidates have contributions to report each week, the City Clerk staff will update candidates on the number of contributions accepted and rejected in a timely manner.

## 8. Certification for Public Financing:

The City Clerk will certify candidates who meet the requirements under the Open and Ethical Elections Code, and who submit an Application for Certification along with their final qualifying contribution by June 1, 2019. To be certified to participate in the public financing program, candidates must meet the criteria listed in the City Charter Article XVI, Section 7(A) and 2019 Regulations for the Open and Ethical Elections Code, as well as have collected the minimum number of required qualifying contributions, and have complied with seed-money and in-kind contribution restrictions. Other restrictions that could disqualify a candidate are outlined in the 2019 OEEC Rules and Regulations. The City Clerk will notify a candidate of certification by mail, and by posting a list of qualified candidates on the City Website.

## Financial Reporting Site:

The current financial reporting software is available through the City Clerk's website, or can be reached at: [campaignfinance.cabq.gov](http://campaignfinance.cabq.gov).

A candidate or their treasurer will need to create an account on the site, enter contact information for the campaign, and declare if the campaign will be publically financed or privately financed.

Contributions, expenditures, debts, etc., can be entered as unique entries, or can be maintained on an excel document and uploaded on the day each financial report for a period is due. Please do not create your own excel document to track these items. The financial reporting site has created an excel document that can be uploaded to the system. The site will not upload other excel files. In order to use the excel document provided, rather than entering each item uniquely on the site, you will be required to use "codes" to distinguish different types of contributions and expenditures. These codes are outlined in the PDF document that explains in detail how to use the excel file. Both the excel file and the PDF explanation are available on the City Clerk's website just below the link to log into the site, available on the site itself once you log in, and the PDF explanation sheet is included in the Forms section of this Guide as well.

Following each financial report submission, an independent auditor will review the financial reports and determine their sufficiency. If the auditor determines a financial report needs to be corrected, a letter will be issued to the candidate detailing the problem and outlining the timeframe in which the candidate must correct the problem.

In addition to your financial reports submitted through the financial reporting website, a detailed accounting of all advertising expenses, a detailed report of all campaign signs, and a copy of each campaign material used must also be submitted per the Rules and Regulations of the Board of Ethics (Section 4). Please also promptly file these items with our office Section 7(D) of Rules and Regulations of the Board of Ethics by emailing [2019Election@cabq.gov](mailto:2019Election@cabq.gov). You may sign this email up for your newsletters and campaign updates.

On April 25, 2019 prior to the beginning of the Qualifying Period, the City Clerk and the independent auditor will have a mandatory orientation session for all candidates to discuss the financial reporting system and answer any questions candidates may have about this process.

## Forms:

1. Acknowledgement of Forms.....Exhibit A
2. Declaration of Intent.....Exhibit B
3. Affidavit in Support of Nominating Petitions.....Exhibit C
4. Notice of Number of Signatures Required.....Exhibit D
5. Application for Certification.....Exhibit E
6. Candidate’s Acknowledgement of Familiarity with Code.....Exhibit F
7. Candidate’s Campaign Bank Account Statement.....Exhibit G
8. Sample Authorization Letter To Bank .....Exhibit H
9. Candidate’s Financial Disclosure Statement .....Exhibit I
10. Acknowledgement of Electronic Reporting Training .....Exhibit J
11. Campaign Financing Affidavit .....Exhibit K
12. Agreement Regarding Use of the Clean Campaign Portal.....Exhibit J
13. Board of Ethics Rules and Regulations .....Attachment
14. 2019 Regulations of the Albuquerque City Clerk..... Attachment
15. 2019 Guidance for the Clean Campaign Portal..... Attachment
16. Financial Reporting Site Excel How-To..... Attachment

Katy Duhigg, City Clerk

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### City Councilor Candidate Forms

FORM	REFERENCE
Important Dates/ Calendar	Charter: Article II, § 1
Declaration of Intent	Charter: Article XVI, §4
Affidavit In Support of Nominating Petitions	Ordinance: § 2-4-12 ROA 1994
Notice of Number of Signatures Required	Charter: Article II, § 4
Application for Certification as a Participant Candidate	Charter: Article XVI, § 7
Candidate's Acknowledgement of Familiarity with Codes	Charter: Article XIII, § 7
Candidate's Campaign Bank Account Statement	Charter: Article XIII, § 4(b)1
Sample Authorization Letter To Bank	Charter: Article XIII, § 4(b)3
Candidate's Financial Disclosure Statement	Charter: Article XIII, § 3
Acknowledgement of Electronic Reporting Training	Charter: Article XIII, § 4(j)1
Campaign Financing Affidavit	Charter: Article XIII, § 4(c)2
Board of Ethics Rules And Regulations	Charter: Article XII, § 11
2019 Regulations of the Albuquerque City Clerk	
Financial Reporting Site, Excel How-To Document	

### ACKNOWLEDGMENT OF RECEIPT OF ABOVE REFERENCED FORMS

<p><b>Printed Name of Candidate</b> _____ <b>Date</b> _____</p> <p><b>Signature of Candidate</b> _____</p>
--



Katy Duhigg, City Clerk

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

State of New Mexico )  
 ) s.s.  
County of Bernalillo )

## DECLARATION OF INTENT TO SEEK PUBLIC FINANCING PURSUANT TO THE OPEN AND ETHICAL ELECTIONS CODE

The Applicant Candidate named below herewith swears or affirms that they have chosen to obtain campaign financing pursuant to the Open and Ethical Elections Code for the elected City of Albuquerque office designated below; that they have complied with and will continue to comply with the Open and Ethical Election Code contribution and expenditure limits and all other requirements set forth in the Open and Ethical Elections Code. The Applicant Candidate agrees that any money received from the Fund shall not be used to retire a prior campaign debt from a previous election period.

The Applicant Candidate further agrees to comply with the Regulations of the Albuquerque City Clerk for the Open and Ethical Elections Code, and the Regulations for the Election Code, including but not limited to all campaign contribution and expenditure reporting requirements specified therein.

The Applicant Candidate understands that five-dollar (\$5.00) Qualifying Contributions may not be obtained prior to May 1, 2019 or after May 31, 2019 and that all Qualifying Contributions must be obtained only with the accompanying receipt forms provided by the Office of the City Clerk, or through the electronic Qualifying Contributions Website.

The Applicant Candidate is a candidate for the Office of City Councilor.

\_\_\_\_\_  
Applicant Candidate (Signature)

\_\_\_\_\_  
Print or type name of Applicant Candidate

Sworn or affirmed before me, the undersigned authority by \_\_\_\_\_ this  
\_\_\_\_\_ day of \_\_\_\_\_ 2019.

\_\_\_\_\_  
Notary Public





Office of the City Clerk  
P.O. Box 1293  
Albuquerque, NM 87103  
Phone (505) 924-3650  
Fax (505) 924-3660  
cityclerk@cabq.gov

Katy Duhigg, City Clerk

**Affidavit In Support of Nominating Petitions**  
**For \_\_\_\_\_, Candidate for City Councilor,**  
**District \_\_\_\_\_**

State of New Mexico )  
 ) ss.  
County of Bernalillo )

I, \_\_\_\_\_, (printed name of individual signing the affidavit) swear or affirm that the signatures on the nominating petitions, with pages numbered \_\_\_\_\_ through \_\_\_\_\_ are submitted on behalf of \_\_\_\_\_, candidate for City Councilor, District \_\_\_\_\_.

Signature of Candidate or Treasurer \_\_\_\_\_

Or,

I, \_\_\_\_\_, (printed name of individual signing the affidavit) swear or affirm that I have no petitions to submit to the City Clerk this week.

Signature of Candidate or Treasurer \_\_\_\_\_

Date \_\_\_\_\_

Subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019,

by \_\_\_\_\_

Notary Public \_\_\_\_\_



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[www.cabq.gov/clerk](http://www.cabq.gov/clerk)

Katy Duhigg, City Clerk

---

# NOTICE

To: All City Council Candidates

Pursuant to the Albuquerque City Charter, Article II Section 4, you are required to submit to the Office of the City Clerk the signatures of **Five Hundred (500)** registered voters residing in the City Council District in which you are running.

You may collect signatures for the November 5, 2019 Regular Local Election beginning May 1, 2019 through June 28, 2019. § 2-4-13 Revised Ordinances of Albuquerque 1994. The Clerk will accept only those Petitions in the form prescribed by the Office of the City Clerk and bearing the signature of the Clerk.

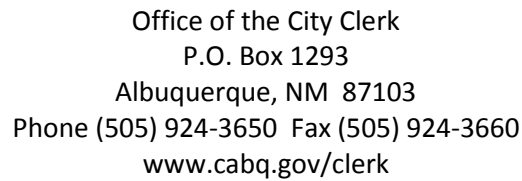
Petitions must be accompanied by the Affidavit in Support of Nominating Petitions on the form issued by the City Clerk. The Clerk will receive Petitions, during regular business hours, from the campaign representative who will remain present in the Clerk's office while the Petition pages are numbered.

Office of the City Clerk will not accept Petitions after June 28, 2019 at 5:00 p.m.

---

Katy Duhigg

City Clerk



# Application for Certification as a Participating Candidate for the Office of City Councilor District \_\_\_\_\_

1. I have complied with all requirements of the Open and Ethical Elections Code and have met all requirements in raising Seed Money, In-Kind Contributions and Qualifying Contributions and in making campaign expenditures.
2. I have submitted to the City Clerk receipts for each Qualifying Contribution I have received and affirm that to the best of my knowledge that all Qualifying Contributors were registered to vote in the City of Albuquerque to which I seek election at the time I or my representative received the Qualifying Contribution.
3. I have submitted to the City Clerk all Qualifying Contributions received by me or my representatives and that me or my representatives received all such Qualifying Contributions during the Qualifying Period.
4. I have submitted all Qualifying Contributions, Seed Money and In-Kind Contributions and any corresponding documentation thereof collected by me and my representatives through 11:59 p.m., May 31, 2019.
5. I have submitted an Affidavit in Support of Disclosure Report for Seed Money Contributions and In-Kind Contributions.

6. I agree to comply with all requirements of the Open and Ethical Elections Code and these Regulations.

---

Applicant Candidate (signature)

---

Print Name of Applicant Candidate

The foregoing Application for Certification as a Participating Candidate for the Office of City Councilor District \_\_\_\_\_ was sworn to or affirmed before me, the undersigned authority by \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

---

Notary Public

---

I, Katy Duhigg, Albuquerque City Clerk hereby \_\_\_\_\_do \_\_\_ do not certify the above Applicant Candidate, \_\_\_\_\_ as a Participating Candidate under the Open and Ethical Elections Code for the position of City Councilor District \_\_\_\_\_ on this \_\_\_\_\_ day of June, 2019.



P.O. Box 1293  
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www.cabq.gov/clerk

Katy Duhigg, City Clerk

**City Council Candidate Acknowledgment of Familiarity with  
Codes and Required Disclosures**

I declare and acknowledge that I am familiar with the City Charter's Election Code, Rules and Regulations of the Board of Ethics and Campaign Practices relating to the Election Code of the City Charter as amended to date, and the 2019 Regulations of the Albuquerque City Clerk, and acknowledge receipt of same, and that notifications mailed or delivered at the address below will be deemed to have been received by me.

Name of Candidate: \_\_\_\_\_

Address: \_\_\_\_\_ Albuquerque, NM \_\_\_\_\_

Telephone Numbers: Home \_\_\_\_\_ Work \_\_\_\_\_

Email Address: \_\_\_\_\_

Secondary Contact: \_\_\_\_\_

☐ I elect to receive notices from the Office of the City Clerk via email to the following address(es):

\_\_\_\_\_ and/or \_\_\_\_\_

I further declare and acknowledge that as a candidate for elective office I must file **Eleven (11)** Disclosure Statements of Campaign Financing with the City Clerk as required by Section 4(c)2 of Article XIII of the City Charter no later than 5:00 p.m. on the following days:

- |                         |   |
|-------------------------|---|
| 1. First Statement:     | Monday, April 8 <sup>th</sup> , 2019      |
| 2. Second Statement:    | Monday, May 13 <sup>th</sup> , 2019       |
| 3. Third Statement:     | Monday, June 10 <sup>th</sup> , 2019      |
| 4. Fourth Statement:    | Monday, July 8 <sup>th</sup> , 2019       |
| 5. Fifth Statement:     | Monday, August 12 <sup>th</sup> , 2019    |
| 6. Sixth Statement:     | Monday, September 9 <sup>th</sup> , 2019  |
| 7. Seventh Statement:   | Monday, October 14 <sup>th</sup> , 2019   |
| 8. Eighth Statement:    | Monday, October 21 <sup>st</sup> , 2019   |
| 9. Ninth Statement:     | Monday, October 28 <sup>th</sup> , 2019   |
| 10. Tenth Statement:    | Monday, November 4 <sup>th</sup> , 2019   |
| 11. Eleventh Statement: | Thursday, December 5 <sup>th</sup> , 2019 |

**\*BEGINNING NOVEMBER 1<sup>ST</sup>, 2019, CANDIDATES MUST REPORT CONTRIBUTIONS AND EXPENDITURES  
OVER \$500.00 BY 5:00 P.M. OF THE FOLLOWING DAY\***

\_\_\_\_\_  
Signature of Candidate/ Date

State of New Mexico )

) ss.

County of Bernalillo )

Subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_ 2019,

by \_\_\_\_\_

Notary Public \_\_\_\_\_



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Katy Duhigg, City Clerk

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## CITY COUNCIL CANDIDATE'S CAMPAIGN BANK ACCOUNT STATEMENT

I \_\_\_\_\_, Candidate for the office of City Councilor, District \_\_\_\_\_, for the City of Albuquerque, having been duly sworn, do hereby state:

1. That I have created one and only one bank account, established in my name for the purpose of my campaign in the November 5, 2019 Regular Local Election; that all contributions of money received for the benefit of the campaign shall be deposited in said account and that all disbursements shall come from that account.

2. That the specific bank account information is:

**Bank Name and Branch:** \_\_\_\_\_

**Assigned Account Number:** \_\_\_\_\_

**Bank Routing Number:** \_\_\_\_\_

3. That the individuals authorized to sign on the account are:

Name (please print)	Address	Telephone
_____	_____	_____

Name (please print)	Address	Telephone
_____	_____	_____

Name (please print)	Address	Telephone
_____	_____	_____

4. That I have filed with the above-named bank a letter authorizing the bank to release information concerning said account to the Board of Ethics and Campaign Practices, or its designated representative, and I have attached a true and correct copy of said letter to this statement pursuant to City Charter Article XIII, Sections 4 (b)(1) and 4 (b)(3).

5. That I have appointed \_\_\_\_\_

whose address and phone number are: \_\_\_\_\_

\_\_\_\_\_ as my campaign Treasurer.

\_\_\_\_\_  
Signature of Candidate

CITY OF ALBUQUERQUE  
OFFICE OF THE CITY CLERK  
**City Councilor Candidate**  
**AUTHORIZATION LETTER TO BANK**

*Sample only – Do not submit this form as your authorization*

---

Date

---

Name of Bank

---

Street No. Or P.O. Box

---

City, State, Zip

In accordance with Article XIII, Section 4(b)3, of the Albuquerque City Charter, the following account has been established:

---

Account Name

---

Account Number

---

Bank Routing Number

By this letter I hereby authorize you to release information concerning this account to the City of Albuquerque Board of Ethics and Campaign Practices or its designated representative.

---

Signature of Candidate

cc: City Clerk's Office

**IMPORTANT:**

*Candidates MUST attach a copy of the authorizing letter sent to your bank to the form entitled "Candidate's Campaign Bank Account Statement."*

Exhibit H



**City of Albuquerque  
Office of the City Clerk  
Candidate's Financial Disclosure Statement**

Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

List your membership(s) and position(s), if any and all, in professional organizations: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

List any and all sources of income that presently account for five percent (5%) or more of your income or which accounted for five percent (5%) or more of your income during the past year. Attach additional sheets as necessary. (For the purpose of responding to this provision, "source of income" includes the identity of the entity from which you received the income): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

List any known present business relationships you have or may have with the City of Albuquerque: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

List any and all real estate interests\* held by you within Bernalillo County, excluding your home: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Candidate

Date: \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_

Notary Public

My Commission Expires: \_\_\_\_\_

Note: Each candidate for elective office within the City shall file this statement with the Board of Ethics and Campaign Practices within two days after filing the declaration of candidacy with the County Clerk [Article XIII, Section 3 of the City Charter]. Due prior to 5:00 p.m. on Thursday, August 29 2019.

\*Active or passive investments in real property, including but not limited to: partnerships, joint ventures, trusts, closely-held corporations, which have real estate investments or interests located in Bernalillo County.





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www.cabq.gov/clerk

Katy Duhigg, City Clerk

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### Candidate's Acknowledgement of Campaign Web Reporting Training

I, \_\_\_\_\_, acknowledge that the Office of the City Clerk has created an electronic, internet based database for all campaign reporting as required by the City Charter's Election Code as amended to date.

I further acknowledge that there is a mandatory training that either I or my authorized representative must attend on entering Campaign Finance information into the web-based campaign finance database as required by Section 4(j) 1 of Article XIII of the City Charter, prior to the due date of the first report I am required to file.

I will contact the Office of the City Clerk to schedule the training, which will be held at the Office of the City Clerk or at a designated training facility. At the training I, or my designated representative, will receive a User ID and password for the database that I am required to use when entering campaign financial information.

_____	_____
Signature of Candidate	Date

On the \_\_\_\_\_ day of \_\_\_\_\_, 2019, I  
\_\_\_\_\_ attended the mandatory training for Campaign Finance Reporting. I further acknowledge that I understand the process and procedures involved with the electronic reporting and that I will contact the Office of the City Clerk with questions or concerns regarding use of the program. Members of my campaign also attending training were:

\_\_\_\_\_ name and date  
\_\_\_\_\_ name and date  
\_\_\_\_\_ name and date

_____	_____
Signature of Candidate	Date



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Katy Duhigg, City Clerk

## Campaign Financing Affidavit

On Behalf of \_\_\_\_\_, a candidate for  
**City Councilor, District** \_\_\_\_\_

The signed copy of this form must be received at the Office of the City Clerk on or before 5:00 p.m. on the following Campaign Financial Reporting deadlines; however, the electronic disclosure statement must be filed no later than 5:00p.m.:

1. First Statement: Monday, April 8<sup>th</sup>, 2019
2. Second Statement: Monday, May 13<sup>th</sup>, 2019
3. Third Statement: Monday, June 10<sup>th</sup>, 2019
4. Fourth Statement: Monday, July 8<sup>th</sup>, 2019
5. Fifth Statement: Monday, August 12<sup>th</sup>, 2019
6. Sixth Statement: Monday, September 9<sup>th</sup>, 2019
7. Seventh Statement: Monday, October 14<sup>th</sup>, 2019
8. Eighth Statement: Monday, October 21<sup>st</sup>, 2019
9. Ninth Statement: Monday, October 28<sup>th</sup>, 2019
10. Tenth Statement: Monday, November 4<sup>th</sup>, 2019
11. Eleventh Statement: Thursday, December 5<sup>th</sup>, 2019

1. The form may be submitted via the following methods:

- **Fax** to (505) 924-3660;
- **Email** to [mdiemer@cabq.gov](mailto:mdiemer@cabq.gov); or
- **Delivered in-person** to the Office of the City Clerk, 600 2<sup>nd</sup> Street NW, 7<sup>th</sup> Floor Plaza del Sol, Albuquerque, NM 87103.

If this form is sent by fax or email, it must contain the signature of the candidate or treasurer. The original form must then be mailed or delivered within the next business day to the Office of the City Clerk at the above address.

State of New Mexico )

) ss.

County of Bernalillo )

I, \_\_\_\_\_, swear or affirm that the **Financial Campaign Disclosure statement** that I am submitting to the Office of the City Clerk on the \_\_\_\_\_ day of \_\_\_\_\_, 2019 is true and correct to the best of my knowledge.

\_\_\_\_\_  
Signature of Candidate or Treasurer

Subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019,

By \_\_\_\_\_

Notary Public \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

Exhibit K





Office of the City Clerk  
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Albuquerque, NM 87103  
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www.cabq.gov/clerk

Katy Duhigg, City Clerk

---

State of New Mexico )

) s.s.

County of Bernalillo )

### **AGREEMENT REGARDING USE OF THE CLEAN CAMPAIGN PORTAL**

The Applicant Candidate named below herewith swears or affirms that they have complied with and will continue to comply with the 2019 Guidance from the Albuquerque City Clerk for the use of the Clean Campaign Portal, and any amendments thereto.

The Applicant Candidate understands and agrees that if the Applicant Candidate does not comply with the 2019 Guidance from the Albuquerque City Clerk for the use of the Clean Campaign Portal, and any amendments thereto, within any timeframes given by the City Clerk, the Applicant Candidate will be removed from the Clean Campaign Portal.

\_\_\_\_\_  
Applicant Candidate (Signature)

\_\_\_\_\_  
Print or type name of Applicant Candidate

Sworn or affirmed before me, the undersigned authority by \_\_\_\_\_ this  
\_\_\_\_\_ day of \_\_\_\_\_ 2019.

\_\_\_\_\_  
Notary Public

**RULES & REGULATIONS  
OF THE  
BOARD OF ETHICS  
&  
CAMPAIGN PRACTICES**



**FOR THE  
ELECTION CODE  
OF THE  
CITY CHARTER**

**OFFICE OF THE CITY CLERK  
P.O. Box 1293  
ALBUQUERQUE, NM 87103**

## **RULES AND REGULATIONS OF THE BOARD OF ETHICS AND CAMPAIGN PRACTICES RELATING TO THE ELECTION CODE OF THE CITY CHARTER**

**Section 1** Pursuant to the authority granted by the City Charter of the City of Albuquerque, the Board of Ethics and Campaign Practices (hereinafter referred to as the "Board") issues the following Rules and Regulations for its conduct, and for interpretation and enforcement of the Election Code (Article XIII) of the City Charter.

In the event that these Rules and Regulations are in conflict with the provisions of the Election Code of the City Charter, the provisions of the Election Code shall prevail.

Terms and words, which are used but not defined in these Rules and Regulations, shall have the same meaning as defined or used in the Election Code with the exception that an "Official" is any Candidate or the chair of a measure finance committee and "Candidate" shall mean any person who has (1) obtained a nominating petition from the City Clerk pursuant to Election Code 4 (c) 1. D; (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 Councillor or (3) filed a declaration of candidacy for elected office as required by law, whichever first occurs.

### **Section 2 WHERE TO FILE AND ADDRESS INQUIRIES; ORIENTATION.**

**A** Questions concerning election matters are to be directed to the Office of the City Clerk. Questions concerning financial records and statements may be directed to the Office of the City Clerk or to the Campaign and Election Auditor, if retained.

**B** All campaign materials and all declarations, statements, forms and any other documents required by the Election Code or these Rules and Regulations to be filed with or submitted to the Board shall be filed in the Office of the City Clerk in accordance with the times specified in the Election Code or in these Rules and Regulations.

**C** It is the responsibility of the person filing or submitting such campaign materials or documents to request and receive from the Office of the City Clerk a signed receipt showing the date and time of filing or submission.

**D** All documents required by the Election Code or these Rules and Regulations to be filed with or submitted to the Board shall be complete in all respects. Documents submitted will be considered incomplete unless all of the enumerated information is provided. Incomplete submissions will not be considered to be timely filed unless the information is provided on a corrected submission filed prior to the times specified in the Election Code or these Rules and Regulations. Any documents requiring the address of a contributor shall be deemed to be incomplete if the contributor's residential street address is not provided.

**E** Before any City election with Candidates and subsequent to the filings of Declarations of Candidacies, the Board will hold an orientation for Candidates and their treasurers. Similarly, the Board may hold an orientation for Measure Finance Committees.

### **Section 3 CAMPAIGN FINANCING**

**A** Contributions not reported due to amount must be recorded in order that cumulative contributions over the minimum amount for reporting can be reported.

**B** Anonymous contributions must be reported as such and cannot be used in the campaign. Pursuant to Election Code Section 4 (g), anonymous contributions shall not be considered contributions for purpose of the candidate's or Measure Finance Committee's campaign. Anonymous contributions may only be disposed of by giving the contribution to a charity certified as a tax-exempt organization under IRS Code 501 (c) (3) or to the City's general fund. Anonymous contributions shall be reported as to the dollar amount received under the contributions portion of the finance disclosure report. Under the expenditure portion of the finance disclosure report the same anonymous contribution shall be reported along with the name of the charity that received the anonymous contribution or a statement that the contribution was given to the City's general fund. Anonymous contributions do not include contributions received by a host pursuant to Section 4 (j) of the Election Code.

#### **C Campaign Contributions Other than Cash**

##### **1 General Definition of Property and Services**

"Property" and "services" are as defined by Section 2(g) of the Election Code, and further as follows:

In general, volunteered personal services provided without compensation by any individual who volunteers on behalf of a Candidate or a Measure Finance Committee are not contributions, except when the volunteered personal services are commercial or professional services. However, the payment by any person of compensation for the personal services of another person, if those services are then rendered without charge to a Candidate or Measure Finance Committee, will be considered a contribution and must be reported as such. The following examples, not meant to be exclusive, are provided to illustrate this section:

Example 1: Person X, a CPA, volunteers to be the campaign treasurer for a Candidate. The value of Person X's personal services is not a contribution because Section 4 of the Election Code requires a Candidate to have a treasurer who is not the Candidate. However, if Person X uses an employee of X's firm to perform those services and the employee is compensated either in addition to

or as a part of the employee's normal compensation, the value of the services is a contribution and must be reported as such.

Example 2: Person Y, a contractor, volunteers to assemble and post signs on behalf of a Candidate from materials provided by the Candidate. Several of Person Y's employees assist Person Y in assembling and posting the signs during work hours when the employees are not busy with their regular duties. The value of Person Y's services is not a campaign contribution, unless the services are commercial or professional services; however, the value of the employees' services is a contribution and must be reported as such.

Example 3: Person Z, an attorney, volunteers to provide legal services in representing the Candidate in a matter arising out of the campaign. The value of Person Z's personal services is a contribution and must be reported as such as Person Z is providing a professional service.

## 2 Determination of Fair Market Value

In general, any property contributed to or used by a Candidate or Measure Finance Committee for less than adequate and full consideration, unless specifically exempted by the Election Code, will be considered a contribution. Such contributions must be valued at fair market value, which is the value that such property or the use thereof is commonly offered to the general public if sold commercially or at the cash value a willing buyer would pay to a willing seller if not sold commercially. The burden of providing accurate information to the satisfaction of the Board is the sole responsibility of the Candidate or the Measure Finance Committee receiving the contribution. The following examples, not meant to be exclusive, are provided to illustrate this section:

Example 1: Landlord A provides campaign office space to Candidate X at the rate of \$200.00 per month. Such space has been offered to the general public at the rate of \$350.00 per month, but Landlord A has not been able to lease the space at that rate. Landlord A has made a contribution at the rate of \$150.00 per month to Candidate X. If Landlord A allowed Candidate X to use the space at no cost, a contribution at the rate of \$350.00 per month would have been made. For rental periods of less than one month, the contribution may be prorated over thirty days.

Example 2: Printer A provides campaign literature, including bumper stickers, signs, brochures and various other items, to all Candidates and Measure Finance Committees at a rate of twenty-five percent less than the rate charged to all of Printer A's regular customers. Printer A will be considered to have made a contribution equal to the amount of the discount. Similarly, if Printer A provides a discount to only one Candidate or Measure Finance Committee, a contribution will have been made equal to the amount of the discount.

**D Office Space** In the event that office space is utilized for the campaign, a Candidate for elective office or the chairperson of the Measure Finance Committee, whichever may be the case, shall cause to be filed with the Board, at the time that the campaign financing disclosure statements required by Section 4 of the Election Code are to be filed, a notarized statement from the person or business providing the office space, specifying the fair market value of the office space together with a statement of the actual cost, if any, of the office space to the Candidate or Measure Finance Committee.

The difference between the fair market value of the office space and the actual cost to the Candidate or the Measure Finance Committee shall be considered to be an in-kind contribution and shall be accounted for and reported as such.

#### **Section 4. ADVERTISING**

##### **A Advertising**

1 As part of each campaign financing disclosure statement, every Candidate for elective office and every chairperson of a Measure Finance Committee shall submit a detailed accounting of all advertising expenses, including but not limited to costs for print and broadcast media, billboards, all signage, bumper stickers, T-shirts, buttons, and other such campaign materials. Lump sum disbursements made to advertising or other agents must be reported in detail as those funds are expended or committed.

2 In the event that specialized advertising, such as signs on hot air balloons, motor vehicles, and other display spaces is utilized for the campaign, a Candidate for elective office or the chairperson of the Measure Finance Committee, whichever may be the case, shall account for and report the fair market value of the use of the balloon, motor vehicle, or other display space as an in-kind contribution.

**B Signs** A Candidate for elective office or the chairperson of the Measure Finance Committee, whichever may be the case, shall cause to be filed with the Board, at the time that the campaign financing disclosure statements required by Section 4 of the Election Code are to be filed, a statement setting forth the following:

1 The number, types and sizes of all signs purchased by the campaign, together with the costs of each. Signs built by volunteers shall be reported and the costs of materials shall be included in the report. For purposes of this section, signs shall include post-election signs, such as "thank you" signs.

2 The number, types and sizes of all signs received as contributions by the campaign, together with the fair market value of each. The report identifying signs shall specify the expenditures that pertain to the signs.



3 In the case of billboards, a notarized statement from the person or business providing the billboard specifying the fair market value of the sign together with a statement of the actual cost, if any, of the sign to the Candidate or Measure Finance Committee. The difference between the fair market value of the sign and the actual cost to the Candidate or the Measure Finance Committee shall be considered an in-kind contribution and shall be accounted for and reported as such.

### **C Campaign Materials**

1 Each Candidate and each chairperson of each Measure Finance Committee shall ensure that all campaign materials specify the name of the sponsor who authorized the printing or distribution of such campaign material and the name and address of the establishment that printed or otherwise created the campaign materials; provided, that the name and address of the printing establishment is not required to be specified in a newspaper advertisement.

2 Each Candidate and each chairperson of each Measure Finance Committee shall promptly file with the Board a copy of each campaign material used in the campaign upon such material being printed or distributed.

## **Section 5 ADVISORY OPINIONS**

**A** The Board shall issue advisory opinions to any Official pursuant to the following procedures.

1 The Subcommittee A subcommittee of the Board shall review advisory opinion requests from Officials. The subcommittee shall consist of the Chair and Vice Chair of the Board and a third member of the Board who shall be designated by the Chair on an ad hoc basis. The subcommittee shall make recommendations to the entire Board on each opinion request.

2 The Official shall file a request for advisory opinion with the City Clerk on a form approved by the City Clerk.

3 The subcommittee may require the Official requesting an opinion to provide additional information and to appear before the subcommittee to respond to questions related to the request.

4 The Board shall review all recommendations from the subcommittee. The Official requesting an opinion may attend such review hearing. The Board may require the Official requesting the opinion to answer questions or provide additional information or documentation at the review hearing. The Board may modify the recommended advisory opinion submitted by the subcommittee.

5 Each advisory opinion shall be issued only after a majority of the entire membership of the Board has voted in favor of the advisory opinion.

## **B Confidentiality, Public Hearings and Public Record**

1 The request for an advisory opinion shall remain confidential and shall not be a public record until the request and recommendations of the subcommittee are heard by the Board.

2 The meetings of the subcommittee shall not be open to the public. The review hearing on advisory opinions by the Board shall be an open meeting.

3 All advisory opinions approved by the Board shall be filed with the City Clerk and shall be a public record. The City Clerk shall index the advisory opinions by subject matter and date.

## **C Advisory Opinion Requirements**

1 The Official shall file a request for advisory opinion with the City Clerk on a form approved by the City Clerk.

2 The request for an opinion shall be about the conduct of the Official making the request, not that of some other person.

3 The request shall be only about prospective conduct, not past or present actions.

4 The request must be about a real or potential conflict the requesting Official is facing.

5 All material facts must be revealed in the request.

6 The Official who is issued an advisory opinion is the only one who may use the opinion as a defense.

7. The Board may include in the advisory opinion that the Official must take particular actions or refrain from certain conduct in order to be eligible to use the advisory opinion as a defense to any future complaint.

## **D Advisory Opinions as a Defense**

1 An Official who receives an advisory opinion may rely on the opinion under the following conditions. If a complaint is filed against that Official based on the

same facts that are the basis for the opinion request, the Official may raise the advisory opinion as a defense in his response to the complaint or any portion of the complaint. The Board shall determine if the opinion was followed and whether the complaint is based on the same facts revealed in the opinion request. If both are found, the Board shall dismiss the complaint or that portion of the complaint that pertains to the advisory opinion.

2 In the event the Board finds that material facts were omitted by the Official in requesting the advisory opinion, that the Official did not follow the advisory opinion, or that the complaint involves material facts other than those that are the basis of the advisory opinion, the Board shall not dismiss the complaint solely on the basis of the advisory opinion, however the Official may use the advisory opinion as part of his defense.

3 Advisory opinions may be used by both Complainants and Respondents as precedence, but such opinions are not binding on the Board unless it is an opinion found by the Board to have issued to and followed by the Respondent pursuant to paragraph D 1 of this section.

## **Section 6 ENFORCEMENT**

### **A Complaints and Violations**

1 A complaint alleging a violation of the Election Code or these Rules and Regulations shall be made in writing by the filing of a notarized statement attesting to the truth of its contents on a form approved by the City Clerk. The complaint shall include documentation as to time, place, facts, and the names of any witnesses to the alleged violations. Complaints and answers to complaints shall be verified. The Board will not hear a complaint that is not verified. A Respondent's failure to timely file a verified answer may be construed by the Board, depending on the totality of the circumstance, as an admission of allegations. A sample form of verification is available at the Office of the City Clerk.

2 The complaint shall specify the provision or provisions of the Election Code or these Rules and Regulations alleged to have been violated and provide a clear and concise statement of what events took place that the complainant believes violated the provision or provisions of the Election Code or these Rules and Regulations cited in the complaint. No complaint shall be accepted for filing unless it is signed, notarized, and verified, and unless the documentation referred to above and the statement of the provision alleged to have been violated or reason for the complaint is presented at the same time the complaint is offered for filing. Complaints may be accompanied by verified affidavits pertaining to material elements of the complaint.

3 Limitations The Board will not set for hearing any complaint charging a campaign violation alleged to have occurred more than one hundred twenty [120] days prior to the date the complaint is filed unless the facts and documentation supporting the charges alleged in the complaint were not public knowledge or available for

public inspection within that time frame. But in no event shall the Board hear a complaint alleging campaign violations in which the alleged violation occurred more than one year in the past unless the complainant also alleges fraud or purposeful misrepresentation on the part of the Respondent to conceal the conduct that is the subject of the complaint.

4 All complaints shall be filed with the Office of the City Clerk, who in turn will immediately deliver a copy of the complaint to each member of the Board and each Respondent. After reviewing the complaint at a preliminary hearing the Board shall either accept the complaint for hearing or reject the complaint and notify the complainant in writing of the rejection and the reasons therefore and the complainant's right to appeal.

## **B Summary Dismissals**

Upon receipt of a Complaint by the City Clerk, the Clerk shall send a copy of the Complaint with all attachments to each member of the Board along with the names of the Board members who will be on the review committee established hereafter. Any Board member who requests that the Complaint be considered at a preliminary hearing shall so notify the Clerk within ten days of that Board member's receipt of the Complaint. If the Clerk receives such notice, the Clerk shall schedule a preliminary hearing and the summary procedure provided hereafter shall not apply to the Complaint. When no Board member requests that the Complaint be heard at a preliminary hearing, complaints filed pursuant to these Regulations shall be reviewed by a Review Committee that shall consist of the Chair and two other Board members designated by the Chair to determine whether the complaint states a violation of the Code of Ethics. Designation of the two board members shall be by alphabetical rotation by last name of the Board members. If a Board member is not available, the Chair may designate the next Board member on the alphabetical list. If the three Board members agree that no violation of the Code of Ethics is stated in the Complaint, the Complaint shall be dismissed without a preliminary hearing. The three board members shall not be required to meet to make their decision. The City Clerk shall compile the decisions of the three Board members and when all three agree on dismissal, the Clerk shall prepare an order of dismissal, which only the Chair shall be required to sign. The Complainant shall be entitled to appeal the decision by filing a notice of appeal with the City Clerk within ten calendar days after Complainant's receipt of the notice of dismissal. Upon receipt of a notice of appeal filed within the required time, the City Clerk shall schedule a preliminary hearing. The Respondent shall be given notice of all actions taken pursuant to this section. The City Clerk shall provide all Board members a copy of the complaint and the order of dismissal at the time of dismissal.

## **C Response For Preliminary Hearing**

Respondents may file a statement with the Board explaining why the complaint fails to state a violation of the Election Code. Respondents shall be given twenty (20) calendar days notice of the preliminary hearing. The Respondent's statement shall be filed with the City Clerk ten (10) calendar days prior to the preliminary hearing. The City Clerk

shall provide the Complainants and Board members with the Respondent's statement three (3) City working days prior to the preliminary hearing.

#### **D Preliminary Hearing**

1 A preliminary hearing shall be held by the Board for the purpose of deciding whether to accept a complaint. The Board's decision shall be based on findings that the factual statements made in the complaint, taken as being true, establish that Respondent has violated the provision or provisions of the Election Code or these Rules and Regulations that are cited in the complaint.

2 Complainants and Respondents and their representatives shall, at the request of the Board, address the Board at the preliminary hearing. Such presentations shall be limited to discussion of whether the complaint contains sufficient factual allegations to support a finding that a violation of the Election Code occurred. No testimony shall be accepted and no argument about the accuracy of the facts alleged in the complaint shall be accepted at this hearing. The Board shall also consider the complaint, Respondent's response to the complaint made pursuant to section 6 B and any other documentation provided at the request of the Board.

3 **Reasons for Dismissing a Complaint** At a preliminary hearing, the Board may dismiss a complaint if any one of the following is found or for such other reason as may be determined by the Board.

a The Board has no jurisdiction over the subject matter specified in the complaint or over the Respondent.

b The time in which a complaint could be filed has run.

c The conduct alleged in the complaint, if true, would not constitute a violation of the Election Code.

d The complaint on its face is frivolous, groundless, or brought for the purpose of harassment.

e The subject of the complaint has become moot.

f The Respondent had obtained an advisory opinion concerning the identical facts alleged in the complaint and Respondent complied with the advisory opinion.

4 **Appeal** A complainant who is aggrieved by the Board's rejection of the complainant's complaint may file an appeal to the District Court. Such appeal shall be filed within five days of Complainant's receipt of the final order of the Board.

5 The Board shall promptly set hearing dates for complaints not rejected.

6 Persons required to testify before the Board shall be served with a subpoena issued by the City Clerk's office and signed by the Chairman of the Board or his designee. Complainants and Respondents shall request issuance of subpoenas through the City Clerk's office in a timely manner.

#### **E Consent Order/Settlement Process**

1 At any time after the filing of the complaint, the Respondent may offer to settle the complaint by admitting to the allegations in the complaint and requesting a settlement conference with the staff of the Board. Based on the settlement conference, the staff shall prepare a proposed settlement agreement that shall be submitted to the Board. The settlement agreement shall state the sections of the Election Code and/or these Rules and Regulations violated, the action taken or to be taken by the Respondent to correct the violation and proposed sanctions, if any, upon Respondent.

2 Upon receipt of a proposed settlement agreement, the Board shall meet to determine if it will accept the settlement agreement. Board acceptance of a settlement agreement shall be by a majority vote of those Board members in attendance. Upon acceptance, the Board shall issue a consent order that shall be provided to all parties. The review of the settlement agreement and vote on the consent order shall be conducted at a public hearing. Testimony shall not be allowed at such hearing nor shall argument of the parties be accepted. The Respondent shall attend the hearing to confirm his acceptance of remedial measures, if any, to be taken by Respondent and sanctions imposed. The consent order shall be a final order concluding the case. The settlement agreement approved by the Board and the consent order shall be public records. In the event a settlement agreement is rejected by the Board, such settlement agreement may not be used as evidence in any subsequent hearings.

**F Investigations** For the purposes of these Rules and Regulations, the term "allegations" means any formal charges filed with the Board and any other information raising a substantial question related to compliance with the Election Code which four or more members of the Board vote to investigate.

#### **1 Investigation of Allegations**

##### **a Formal Charges**

(1) Formal charges are those charges or complaints brought before the Board pursuant to Section 7, Article XII, and City Charter and filed in accordance with these Rules and Regulations. Formal charges also include those charges brought by the Board on its own initiative.

(2) By an affirmative vote of at least four members of the Board, the Board may determine to have an investigation of any formal charge prior to or during any hearing that the Board may hold relative to the formal charge.

(3) Decision on any such charges which the Board votes to investigate shall be held in abeyance pending investigation.

b Other information

(1) Any member of the Board may request that the Board authorize an investigation of any information regarding compliance with the Election Code coming to the attention of such member other than as a formal charge.

(2) Such an investigation shall be authorized only upon an affirmative vote of at least four members of the Board.

c Scope of Investigation The scope of any investigation of allegations authorized by the Board shall be specifically defined by the Board prior to the investigation being undertaken.

2 Selections and Retention of Investigators

a If the Board determines, by an affirmative vote of at least four members of the Board, to investigate allegations concerning compliance with the Code of Ethics, the Board may utilize the Office of Internal Audit and Investigations, City staff assigned to the Board or temporarily employ or contract with investigators. In selecting and retaining investigators to investigate such allegations the Board is not bound by the procurement procedures of the City of Albuquerque, however, any such selection and retention shall be accomplished in accordance with the procedures in these Rules and Regulations. Investigation assignments to the Office of Internal Audit and Investigations and City staff assigned to the Board require no procurement procedure and may be accomplished by a vote of at least four members of the Board.

b If the Board has determined, by an affirmative vote of at least four members of the Board, to investigate allegations concerning compliance with the Election Code by using a private entity or individual, the Board shall select an investigator in accordance with the following procedure:

(1) If sufficient time is available, the Board shall seek written proposals by issuing a request for proposals. The request for proposals shall specify the services required, all terms and conditions applicable to providing the services, all evaluation factors, and instructions and information to proposers relative to the preparation and submission of proposals.

(2) If the Board determines that sufficient time is not available to issue a request for written proposals, the selection of an investigator shall be accomplished through such competition as is practicable under the circumstances.

(3) The selection of an investigator shall be determined by majority vote of those Board members in attendance.

(4) The selection of an investigator shall be documented, and any agreement with an investigator shall be reduced to writing and signed by the investigator and the Chairperson of the Board, attested by the City Clerk, and filed in the office of the City Clerk. An investigator selected by the Board shall be retained by the Board for whatever length of time the Board determines is necessary for the investigation of the allegations.

**G Answers** shall include a response to each allegation in the Complaint and shall be filed with the City Clerk by all Respondents within fifteen days after the Respondent receives notice from the City Clerk that the Board has accepted the complaint at a preliminary hearing. Each Respondent shall send a copy of his/her answer to each Complainant by first class mail and file a certificate of mailing with the City Clerk certifying that such mailing occurred on or before the date the answer was filed with the City Clerk.

**H Hearings** in conducting hearings, all parties shall be afforded an opportunity for a full and fair hearing. In this regard, the Board shall follow these procedures:

1 **Parties** The party filing a complaint with the Board shall be referred to herein as the "Complainant" and the party responding to alleged violations of the Election Code or these Rules and Regulations shall be referred to herein as the "Respondent."

2 **Notice**

a The Board shall give at least fourteen (14) days written notice of the hearing to each party stating the time and place of the hearing.

b The notice of hearing shall contain a brief description of the matter to be heard so that all participants have an opportunity to prepare for the hearing.

c The Board shall require that the parties provide in advance a written statement of all issues to be addressed, a list of proposed witnesses, a brief statement of the nature of each witness's testimony, and copies of all documentary evidence to be introduced at least ten (10) days prior to the scheduled hearing. One copy of each item required pursuant to this paragraph shall be provided to the City Clerk to the attention of the Board, and one copy to each opposing party. Failure of a Complainant to



comply fully with this paragraph shall result in a dismissal of the complaint with or without prejudice at the Board's discretion in view of a totality of the circumstances. Failure of a Respondent to comply fully with this paragraph may result, based on a totality of the circumstances, in an admission of all alleged charges in the complaint. Parties objecting to authenticity of proposed exhibits must make an objection in writing to the Office of the City Clerk at least three (3) days prior to the scheduled hearing and shall provide a copy of the objection to opposing parties simultaneously. A party's failure to make a timely objection to the authenticity of opposing party's exhibits shall result in the admission of those exhibits.

3 Continuances Requests for continuances shall be made, in writing, at least seven (7) days prior to the hearing, and shall be delivered to the Office of the City Clerk to the attention of the Board.

#### 4 Evidence

a The Board shall afford all parties an opportunity to present oral or documentary evidence and argument on all issues involved, except that irrelevant, immaterial and unduly repetitious evidence shall be excluded. It is the policy of the Board that testimony and information presented during the hearing must have a direct and substantial bearing on the case at hand.

b Hearsay testimony shall be admissible subject to the other limitations on admissibility contained in these rules, provided that anonymous statements shall not be admissible.

c The Board shall base its decision on evidence of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. Each violation of the Election Code or these Rules and Regulations found by the Board shall be supported by at least some evidence that is admissible in a court of law.

#### 5. Hearing Procedure

a The Chairperson of the Board shall act as the presiding officer at the hearing unless he/she is unavailable or wishes to delegate this duty, in which case the Board members shall select a presiding officer. The presiding officer shall

- (1) Determine the admissibility of evidence and testimony;
- (2) Make rulings on procedural issues; and
- (3) Be responsible for the Board's written ruling in each case.
- (4) Issue an administration subpoena for the appearance of

a person at a hearing or for the production of documents, or both. When the Board has authorized an investigation, pertinent documents may be required to be produced to the investigator at other than a Board meeting.

(5) Request the City Attorney to apply for a Court order compelling compliance with an administrative subpoena or for a Court order requiring the giving of the testimony or production of documents.

(6) The presiding officer may impose reasonable limits on the number of witnesses to be heard and on the nature and length of the testimony or examination of persons appearing at such hearings.

(7) The presiding officer may set time limits for presentation of opening and closing statements.

(8) The presiding officer may prohibit repetitive testimony.

b Should an action of the presiding officer challenged by another Board member, and should the presiding officer disagree with the challenge, the issue will be decided by a majority vote of the Board members present.

c The Board may, but is not required to recognize any agreements on facts and issues between the parties and eliminate certain facts not in dispute in defining the issues to be heard.

d Prior decisions by the Board on the same issue will generally be followed and the parties are urged to refer to prior rulings on identical or similar issues. Prior decisions are available at the City Clerk's Office. The City Clerk shall index all Board case decisions by subject and date.

e The Board may request clarification by the Complainant of a complaint prior to any hearing, request that certain facts be examined initially in order to determine whether such facts exist as will support the allegations to be heard, or make any other rulings that are procedural, limiting, dispositive, or otherwise, which are in accordance with the law as applied to the facts at issue.

f Any party may be represented by representatives.

g The Board may dismiss a complaint after hearing evidence if it finds that the Respondent committed the violation due to an oversight, Respondent has come into compliance voluntarily and the Board determines that no sanction is required or when the Complainant does not appear at a hearing, but only if the Board determines that it would be unfair to the Respondent not to have the opportunity to examine the Complainant.

h In the absence of the Board's decision to proceed in a different manner, notice of which shall be given to the parties at least three (3) days in advance of the hearing, the sequence of the hearing shall be as follows:

(1) Opening Statement of Issues The Complainant and then the Respondent will present statements of issues involved in the case and outline the case that will be presented.

(2) Complainant's Presentation of its Case The Complainant's case will first be presented to the Board. Witnesses for the Complainant will be called, sworn, and questioned on their involvement in or knowledge of the case. Following each witness's testimony, the Respondent will have the opportunity to question the witness. Board members will then have the opportunity to question the witness on matters related to his/her testimony. Follow-up questioning by the Complainant will be allowed at the discretion of the presiding officer. This procedure will be followed for each of the Complainant's respective witnesses.

(3) Presentation of Respondent's Case Respondent's presentation shall follow Complainant's and the same format as the presentation of Complainant's case shall apply.

(4) Rebuttal Testimony Following presentation of the Respondent's position, the Complainant will be allowed to present rebuttal testimony at the discretion of the presiding officer. Such testimony shall be brief and specifically address the issues brought forth in the Respondent's presentation. No new issues shall be raised.

(5) Closing Statements At the conclusion of the case presentations and rebuttal testimony, the Complainant and Respondent will each make his/her closing statements. The closing statements should briefly review the issues presented and the desired outcome. The Complainant will then have the opportunity to make a final statement, which shall be limited to issues brought forth in the Respondent's closing statement.

(6) Decision Any decision or opinion of the Board, including findings of fact, which shall consist of a written statement of the facts relied on to support the decision of the Board, shall be given to each party by certified mail or personal service, and shall be filed in the Office of the City Clerk.

(7) Record The following records of the Board's proceedings shall be kept:

a A full record of the hearing by sound recording (which shall be retained for one year after the final decision is issued);

- b All documents of other items considered and received as evidence; and
- c Any decision or opinion of the Board.

## **I Fines**

1 Pursuant to the Election Code, the Board may, after due hearing, impose on a Candidate or chairperson of a Measure Finance Committee a fine not to exceed the maximum set by state law, \$500, for each violation of the Election Code or these Rules and Regulations or issue a public reprimand or do both.

2 Notwithstanding Subsection H 1 of this Section, fines are automatically imposed and public reprimands are issued for failure to file, late filing or incomplete filing of any report, statement or other document required by the Election Code or these Rules and Regulations. When a campaign finance report is incomplete, the candidate or the chairperson of the Measure Finance Committee shall be notified of the failure and shall have ten days from the date of notice to correct the failure. If the incomplete filing is not corrected within ten days, there shall be an automatic fine and public reprimand. If the failure is corrected within ten days and the Board determines from the face of the filings that any failure appears to have been inadvertent and made in good faith, the Board shall find that there has been no violation, using the procedures provided in Section 6 B of these Rules and Regulations.

3 For each of the required Disclosure Statements of Campaign Financing, failure to file a required statement by its deadline for filing, the filing of an incomplete statement, and failure to provide copies and information regarding advertising and signs which is complete as required are each considered to be a separate violation of the Election Code and these Rules and Regulations.

4 Except as provided in Subsection (d) 5 of this Section, the automatic fine for each violation is \$100. The total of the automatic fines for violations of the Election Code or these Rules and Regulations shall not exceed \$500 for any required filing date.

5 The automatic fine for failure to appear before the Board at the mandatory meeting concerning campaign financial records scheduled between noon on the Friday immediately preceding the election and the day of the election is \$500.

6 A supplemental fine of \$300 per filing date may be levied for failure or refusal to file any required document after action, in the form of fine, reprimand or otherwise has been taken by the Board pursuant to any provisions of the Election Code or these Rules and Regulations.

7 Written notice of all fines shall be given to the Candidate or chairperson

of a Measure Finance Committee by the Office of the City Clerk.

8 All fines are due when levied and shall be paid to the City of Albuquerque by depositing the amount of any such fine in the Office of the City Clerk. Interest will be assessed at the maximum rate allowed by state law on any fine that is not paid by the thirty-first day following the date that the fine is imposed. For the purposes of this Section, the date of imposition of an automatic fine is the date of the violation.

9 The Board may alter an automatic fine for reasons it considers compelling.

10 Any automatic fine imposed pursuant to these Rules and Regulations without a hearing may be appealed to the Board by filing a written appeal in the Office of the City Clerk but not later than ten days after receipt of the notice of the imposition of the fine.

11 **Limitation on Source of Funds to Pay Fines.** A candidate, the chairperson of the Measure Finance Committee or any other obligated person subject to a fine pursuant to the Election Code and these Rules and Regulations shall not use contributions received by such candidate or the Measure Finance Committee to make payment of any fine assessed under the Election Code or these Rules and Regulations. Payment of fines may not be included as an expenditure for purposes of Election Code section 4 (f), the calculation of unexpended contributions.

**J Communications** After a complaint has been filed, none of the parties or their representatives may communicate on an ex parte basis with the Board or any Board member on any matter pertaining to the complaint. All communications pertaining to the complaint shall be sent to the office of the City Clerk.

**K Board Initiated Charges** Notwithstanding any other provision in this Section, the Board may, on its own initiative, initiate a charge or charges that a Candidate or the chairperson of a Measure Finance Committee or any other group has committed a violation of the Election Code or of these Rules and Regulations.

**L Registration of Measure Finance Committees** Pursuant to Section 6 of the Election Code, when knowledge is received of the formation and existence of any Measure Finance Committee, the Board shall furnish registration materials to the Measure Finance Committee. The Measure Finance Committee shall register within five days from its receipt of the notification. Section 6 of the Election Code shall be administered as follows. When knowledge is received by the City Clerk, any Board Member or any City Official about an unregistered Measure Finance Committee, such person shall notify the City Clerk who shall notify the chair of the Board. The City Clerk shall notify the Measure Finance Committee to register. Such notification shall be signed by the Chair of the Board. The Measure Finance Committee shall respond to the notification by registering with the

City Clerk or providing a written explanation of why it should not be required to register. The response or failure to respond shall be presented to the entire Board which shall determine whether a complaint should be initiated against the Measure Finance Committee for non-compliance with the Election Code. Notice shall be provided to the Measure Finance Committee ten days in advance of such Board meeting.

## **M Mandatory Meeting Concerning Campaign Financial Records**

1 During the period between noon on the Friday immediately preceding the election and the day of the election, each Candidate or the Candidate's treasurer, and the chairperson or treasurer of each Measure Finance Committee, shall appear before the Board at a time and place designated by the Board (hereafter, the "Pre-Election Meeting"). At the designated time and place, the campaign financial records of each Candidate and each Measure Finance Committee shall be submitted to the Board for inspection and/or audit. Any charge of violation of the Election Code or these Rules and Regulations arising out of or pertaining to any financial disclosure statements or any other document required to be filed on or before the Friday immediately preceding the election shall be reviewed by the Board at the Pre-Election Meeting as though it were a preliminary hearing. The three day notice required by the City Charter for the Pre-Election Meeting shall constitute notice for any preliminary hearing on complaints based on such financial disclosure statements or other document required to be filed.

2 At the Pre-Election Meeting the Board and its auditor shall be entitled to ask each Candidate and Candidate's treasurer and the chairperson and treasurer of each Measure Finance Committee for clarification and additional documentation concerning all campaign financial disclosure statements or other documents required to be submitted to the Board. Each Candidate, treasurer and chairperson shall be prepared to discuss the contents, or omissions of any campaign information, material, report, statement or other document required to be filed prior to the Pre-Election Meeting. Such inquiry and the responses thereto shall not be considered a hearing on a complaint or as an answer or response to a complaint, provided however that the Board shall be entitled to bring charges based on the information or lack of information received at the Pre-Election Meeting.

3 In the event that any charge is brought by the Board against a Candidate or a Measure Finance Committee as a result of the Pre-Election Meeting such action shall be deemed to be acceptance of a complaint for hearing as though such determination had been made at a preliminary hearing. Written charges shall be mailed to the Candidate or chairperson of the Measure Finance Committee and the procedural rules of these Rules and Regulations shall apply thereafter.

## **Section 7 CAMPAIGN FINANCE REPORTING**

**A Campaign Materials** "Campaign Materials" means any published, printed or broadly distributed campaign advertising or communications such as newspaper

advertisements, handbills, petitions, circulars, letters, radio or TV broadcasts, cable distributions, electronic or telephonic transmissions or similar written material used in a campaign by a candidate or a Measure Finance Committee. "Broadly Distributed" means any communication sent, delivered or transmitted to more than one hundred people. Campaign Materials include but are not limited to television, radio, telephone and Internet campaign communications as defined in Section 7 B 2 below.

## **B Reporting Campaign Materials and Disclosure Requirements**

**1 Identification of Expenditure** The campaign materials submitted to the City Clerk shall include a report identifying the expenditure listed on the campaign finance report that pertains to the campaign material submitted.

**2 Television, Radio, Telephone and Internet Campaign Communications.** Whenever a candidate, candidate finance committee or Measure Finance Committee authorizes or otherwise causes to be made any communication by television, radio, and telephone or on the Internet, advocating the election or defeat of a clearly identified candidate or measure on the ballot, such communication shall be a "Campaign Communication". The text of such Internet communication and the printed transcription or audio recording of such radio or telephone communication shall be submitted to the City Clerk in the same campaign finance reporting period in which the expenditure or authorization for such Campaign Communication was made. A copy of the television communication shall be provided to the Board by videotape or digital videodisk. For purposes of this Regulation, Campaign Communication includes the solicitation of contributions for a candidate or Measure Finance Committee. Telephone communications include automated telephone calls including but not limited to "auto dial" devices and telephone communications made by telephone operators for each telephone communication made to more than twenty-five people.

**C Disclosure Required for Television Radio, Internet and Telephone Campaign Communications.** Each television, radio, telephone and Internet campaign communication shall clearly state the following: (1) if paid for and authorized by a candidate or a candidate finance committee or their agents, that the communication has been paid for by such candidate or candidate finance committee; (2) if paid for by other persons, including but not limited to a Measure Finance Committee, that the communication is paid for by such other person and authorized by such candidate or candidate finance committee, or (3) if the communication is not authorized by a candidate or the candidate finance committee or their agents, the name and permanent street address, or telephone number or World Wide Web address of the person or Measure Finance Committee who paid for the communication and state that the communication was not authorized by any candidate or candidate's committee.

**1 Disclosure of Production Company** The requirement of Election Code, City Charter Article XIII, Section 5, that the name and address of the establishment

that created the campaign materials shall apply to all television, radio, telephone and Internet Campaign Communications. "Establishment" shall mean any commercial entity, including but not limited to production companies and media consultants, whose normal activities include the development or creation of communication material of a similar nature to the campaign materials and campaign communications utilized by a candidate, candidate finance committee or their agents or a Measure Finance Committee.

2      **Television**      Any Campaign Communication that is televised shall include the disclosures required by this Regulation, both verbally and in writing, both appearing at the end of the communication. The written statement shall be un-obscured in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement and shall be shown for a period of at least four seconds. The verbal disclaimers shall be spoken at a rate of speech no faster than slowest rate of speech in the remainder of the Campaign Communication.

3      **Exclusion**      "Campaign Communication" does not include a communication (1) appearing in a news story, commentary, or editorial distributed through the facilities of any newspaper, magazine or broadcasting station unless such facilities are owned or controlled by any political party, political committee, or candidate or (2) which constitutes a candidate debate or forum or which solely promotes such a debate or forum and is made by or on behalf of the person sponsoring the debate or forum.

#### **D      Filing Campaign Materials - Timing and Method.**

1      All Campaign Materials required to be submitted under these Regulations shall be delivered to the City Clerk's office, which shall retain the Campaign Materials on behalf of the Board. Larger printed campaign materials such as yard signs and billboards shall be submitted in the form of replicas of a reduced size not to exceed eighteen by twenty-four inches.

2      All Campaign Materials shall be filed within five calendar days of the first day such Campaign Material is broadcast, transmitted or otherwise distributed. Campaign Materials sent by mail or hand delivered shall be filed within five calendar days after the first day such Campaign Materials are deposited with the postal service or other delivery service or hand delivered.

**E      Reporting Contributions - Contractor of Candidate's Employer**  
Pursuant to Election Code Section 4 (c) 1 G., in addition to other campaign disclosure requirements of the Election Code, a candidate shall designate in his or her disclosure reports those contributors who have contracts pursuant to which they receive funds from the employer of the candidate if the candidate was solely or partially responsible for the recommendation or award of the contract or for the administration of the contract. This information shall be included on a separate report on a form approved by the City Clerk.



**F Reporting refunds and similar expenditures** All contributions received must be reported. When part or all of a contribution is refunded to the contributor, the refund shall be listed under expenditures on the campaign finance report with a cross-reference by name of contributor and date of the campaign finance report that originally included the contribution being refunded. The same reporting requirements shall apply to contributions where payment is made to the candidate on an account with insufficient funds. Bad check charges paid by the Candidate or Measure Finance Committee shall be reported as an expenditure.

**G Reporting Contributions- Information Concerning Contributors**  
Pursuant to Election Code 4 (c) 1 B, the following information shall be provided concerning contributors.

There are three categories of contributors:

**(1) Individuals who are employed** The information that is required is (a) name, (b) occupation, (c) name of employer, if employed and if self-employed, name of contributor's business (c) address of employer and if self-employed, address of contributor's business and (d) nature of the contributor's business or the nature of the contributor's employer's business. No residential address of individuals who are employed is required. If a self-employed individual contributor conducts his/her business from his/her home then the residential street address or a post office box shall be submitted as the address for the business.

**(2) Individuals who are not employed.** Individuals who do not have a business address because they are retired or unemployed must identified in the report as retired or unemployed. The residential street address of retired or unemployed individual contributors shall be reported. Post office box numbers are not allowed as a substitute for a residential street address.

**(3) Contributors other than individuals** The information that must be reported for contributors other than individuals is (a) the name the contributor, (b) the address of the contributor, (c) the type of business or the activities conducted by the contributor and (d) the owners and managers of the contributor. The address of the contributor may be a post office box. The activity of the contributor shall be specific as to the services or products sold or, if no services or products are sold, the nature of the activities of the contributor.

**H The owners and managers of the contributor** Contributors who are not individuals must list the names of their owners and managers.

(1) "Owner" shall mean the names of all the individuals or entities who have an equity interest in and who participate in policy making for the contributing entity and who possess the authority to or in fact did authorize the contribution. For entities controlled by a board of directors, board of trustees or the equivalent thereof, the chairman of such board may be listed as the "owner" in lieu of all others.

(2) "Manager" shall mean the individual or individuals who are vested with and who have the responsibility to direct and administer the affairs of the contributing entity and who have the authority to or in fact did approve or direct that the contribution be made. For entities operating both in and out of New Mexico, only the New Mexico manager(s) need be listed if he or she had the authority to approve or direct the contribution. Chief executive officers or the equivalent thereof may be listed in lieu of other managers if they had the authority to approve or direct that the contribution be made. If no manager authorized the contribution, then all owners who had the authority to authorize the contribution shall be listed.

**I Wholly Owned Subsidiary Contributors** If a contributor is a business that is a wholly owned subsidiary of another business, such other business entity shall be identified for purposes of determining the cumulative amount of the contributions to calculate whether the maximum contribution has been exceeded.

## **Section 8 MISCELLANEOUS.**

**A Notice** Any notice required by the Election Code or these Rules and Regulations shall be given by certified mail, personal service or as provided below. For the purposes of providing notice to a Candidate or the chairperson of a Measure Finance Committee, written notice mailed or delivered to the address specified in a Candidate's Declaration of Candidacy or a Committee's registration statement shall be considered sufficient notice to the Candidate or Committee. Provided, that if a Candidate or chairperson has furnished a different address pursuant to Section 7 of the Election Code, notice mailed or delivered to such an address shall be considered sufficient notice.

**B Meetings** The Board shall comply with the provisions of the New Mexico Open Meetings Act relating to notice to the public of its meetings and meetings being open to the public. The length of notice given to the public of the Board's meetings shall be determined by annual resolution. Deliberations on cases, including the drafting of findings and conclusions, may be in closed or open sessions.

**C Records.** All records of the Board in the conduct of its business, including but not limited to minutes of meetings, recommendations to the City Council and Mayor, or records and statements in connection with any particular election, shall be under the custody of the Office of the City Clerk, and shall be maintained as required by the Election Code.

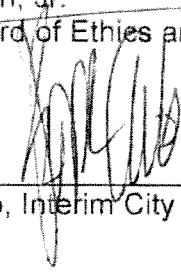
**D Amendments** The Board, by majority vote, may amend these Rules and Regulations pursuant and subject to the authority granted under Section 9 of the Election Code.

E      **Effective Date and Filing**      These Rules and Regulations, having been approved by the Board of Ethics and Campaign Practices on June 30, 2009, by a vote of 7 for, 0 against and 0 absent, shall be effective on the date entered below and shall be filed in the Office of the City Clerk.

ADOPTED THIS 30 DAY OF June, 2009.



Robert P. Tinnin, Jr.  
Chairman, Board of Ethics and Campaign Practices



Randy M. Autio, Interim City Clerk

## **2019 REGULATIONS OF THE ALBUQUERQUE CITY CLERK FOR THE ELECTION CODE**

**PURPOSE:** In 2018, following the implementation of the State Local Election Act, the City Council passed Election Code Reform. The purpose of this reform was to bring the City in line with the Local Election Act, to ensure that the Election Code is administered fairly and consistently, and to provide transparency for voters and accountability to candidates and Officials. The purpose of these Regulations is to provide guidance and instruction in keeping with the reform passed by Council, and to establish clear procedures that candidates shall follow under the Election Code, Albuquerque City Charter Article XIII (hereinafter referred to as “the Code”, with all citations referring to the Code unless otherwise noted). The City Clerk shall create forms, election calendars, timelines and all other documents necessary to implement these Regulations. In conformance with the Code and these Regulations, the documents and forms created by the City Clerk are not part of these Regulations.

**AUTHORITY:** Section 9 of the Code authorizes the City Clerk to adopt rules to insure the effective administration of the Code.

**APPLICABILITY:** These Regulations apply to all candidates for the offices of Mayor and City Council, and should be read in combination with the Regulations for the Open and Ethical Elections Code (“OEEC”) by candidates who seek eligibility to receive public funds or become Participating Candidates under the OEEC.

**EFFECTIVE DATE:** These Regulations shall be effective upon the approval and signature of the Chief Administrative Officer. Once effective, the City Clerk shall publish these Regulations on the Office of the City Clerk website.

**DATES AND DEADLINES:** Should a deadline fall on a City observed holiday or a weekend, the deadline is automatically moved to the next City working day, unless otherwise published by the City Clerk.

### **PART A      DEFINITIONS**

All terms utilized herein shall have the same meaning as defined by the Code, unless the regulation specifically notes otherwise. This Part also contains new definitions and clarified definitions for terms contained within the Code.

**Broadly Distributed:** Any communication delivered by a campaign, candidate, Measure Finance Committee, or their agents, that is sent, delivered or transmitted to more than 100 people.

**Campaign Materials:** Any published, printed or Broadly Distributed advertising or communications including but not limited to paid or donated advertisements, handbills, petitions,

circulars, letters, radio, television or internet broadcasts, cable distributions, electronic or telephonic transmissions, or similar communication materials or methods used in a campaign either for or against any candidate.

**Contribution:** In addition to the definition in City Charter Article XIII, § 2(g), please see Part H, below.

**Coordinated Expenditure:** In addition to the definition in City Charter Article XIII, § 2(o), if an Expenditure is made to promote or support the nomination or election of a candidate, or to oppose or defeat the candidate's opponent(s), and the Expenditure is made in cooperation, consultation or concert with, or at the request or suggestion of, the candidate, the Expenditure is considered to be a Contribution from the spender to the candidate. As used within this definition, the term "candidate" includes a committee authorized by the candidate to promote or support his or her election, and all agents of the candidate or the authorized committee. For more information regarding coordination, please refer to Part C.

**Covered Office:** City Council or Mayor

**Electioneering Communication:** Any audio or visual communication broadcasted by any means that:

1. unambiguously refers to any candidate; and
2. is broadcasted, printed, mailed, delivered or distributed within 60 days of a regular or special election, or 45 days of a runoff election; and
3. is broadcasted to, printed in a newspaper distributed to, mailed to, delivered by hand to or otherwise distributed to an audience that includes members of the electorate for a Covered Office.
4. Electioneering Communication does not include:
  - a. any news articles, editorial endorsements, opinion or commentary, writings or letters to the editor printed in a newspaper, magazine or other periodical not owned or controlled by a candidate or political party;
  - b. any editorial endorsements or opinions aired by a broadcast facility not owned or controlled by a candidate or political party;
  - c. any communication by Persons made in the regular course and scope of their business or any communication made by a membership organization solely to members of such organization and their families; or
  - d. paid for by a candidate or candidate's campaign committee.

**Expenditure:** In addition to the definition included in Article XIII, Section 2(j), please see Part B, below.

**Express Advocacy.** An Expenditure made by a Person or group, other than a candidate or a candidate's committee, that advocates the election or defeat of a candidate or ballot measure, including all costs of designing, producing or disseminating a communication that contains

phrases such as “vote for”, “re-elect”, “support”, “cast your ballot for”, “[name of candidate] for [name of office]”, “[name of candidate] in [year]”, “vote against”, “defeat”, “reject” or similar phrases, or other explicit references to a candidate or ballot measure that indicate intent to influence an election.

**Immediate Family:** "Immediate family" means the candidate's spouse, parent, grandparent, child, grandchild, sister, half-sister, brother, half-brother, stepparent, stepgrandparent, stepchild, stepgrandchild, stepsister, stepbrother, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, guardian, former guardian, domestic partner, or the Immediate Family of the candidate's spouse or domestic partner.

**Independent Expenditure:** In addition to the definition included in Article XIII, Section 2(n), please refer to Part D, below.

**In-Kind Contribution:** In addition to the definition included in Article XIII, Section 2(p), “In-Kind Contributions” are goods and services, other than money, that are donated or provided to the campaign at no cost or at a cost that is less than the usual and customary charge, but does not include the value of services provided without compensation or unreimbursed travel or other personal expenses of individuals who volunteer a portion or all of their time on behalf of a candidate or political committee. For more information regarding “In-Kind Contributions,” please refer to Part E.

**Mass Communication:** Any communication of substantially identical content to 100 or more individuals within three (3) months of a regular or special election, or within 45 days of a run-off election. This includes communications sent directly to individuals, and communications placed in areas where they will be seen by one hundred (100) or more individuals, such as signs.

**Person:** Any individual, cooperative association, club, corporation, company, firm, partnership, joint venture syndicate, profit or nonprofit organization, or other entity.

**Regular Local Election:** An election that is held on the first Tuesday after the first Monday in November in odd numbered years.

## **PART B EXPENDITURES**

1. In addition to the definition included in Article XIII, Section 2(j), “Expenditure” means a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment, unless it is clear from the surrounding circumstances that it is not made for political purposes. An Expenditure is made on the date the payment is made or on the date consideration, if any, is received, whichever is earlier.

2. A payment is made for political purposes if it is made for the purpose of influencing or attempting to influence the action of the voters for or against the election of a candidate or candidates, or the qualification or passage of any measure.

3. Candidates may not make Expenditures of campaign funds to pay civil penalties, fines, or forfeitures to the Board of Ethics.
4. Expenditures of campaign funds for personal use is prohibited. Personal use is any use of campaign funds of a candidate (or former candidate) to fulfill a commitment, obligation or expense of any person that would exist irrespective of the candidate's campaign or responsibilities as a officeholder.
5. The payment of legal fees to advise a candidate on compliance with campaign laws or regulations, and payment of legal fees or court costs to represent a candidate or candidate committee in any action reasonably related to the campaign or election in which the candidate or committee has been named as a defendant, are expenditures that must be disclosed, but are not subject to any expenditure limits in the Charter.
6. Candidates who seek eligibility to receive public funds or become Participating Candidates under the OEEC should refer to the OEEC Regulations for additional guidance on Expenditures under the OEEC.

## **PART C COORDINATED EXPENDITURES**

If an Expenditure is made to promote or support the nomination or election of a candidate, or to oppose or defeat the candidate's opponent(s), and the Expenditure is made in cooperation, consultation or concert with, or at the request or suggestion of, the candidate, the Expenditure is considered to be a Coordinated Expenditure, and is a Contribution from the spender to the candidate. As used within this subsection, the term "candidate" includes a committee authorized by the candidate to promote or support his or her election, and all agents of the candidate or the authorized committee.

1. In cooperation, consultation or in concert with includes, but is not limited to:
  - a. Discussion between the candidate and the creator, producer or distributor of a communication, or the person paying for that communication, regarding the content, timing, location, mode, intended audience, volume of distribution or frequency of placement of that communication, and
  - b. Participation by the candidate in making any decision regarding the content, timing, location, mode, intended audience, volume of distribution, or frequency of placement of the communication.
2. An Expenditure is presumed to be made in cooperation, consultation or concert with, or at the request or suggestion of a candidate, when:
  - a. the Expenditure is made in cooperation, consultation or in concert with any person who, during the twelve months preceding the Expenditure, has been the candidate's treasurer

or an officer of the candidate's authorized committee, has had a paid or unpaid decision-making position in the candidate's campaign, or has received any campaign-related compensation or reimbursement from the candidate; or

- b. when the candidate has directly shared the candidate's campaign plans, activities, polling, research, or needs with the spender for the purpose of facilitating a payment by the spender on a communication to voters to promote or support the candidate.
- c. The candidate or spender may rebut the presumption by submitting sufficient contrary evidence.

3. If a candidate requests that a party committee, political action committee, measure finance committee, or other potential spender not make any Expenditure to promote or support the candidate, or oppose or defeat the candidate's opponent(s), the request does not constitute cooperation or coordination.

4. An Expenditure will not be presumed to have been made in cooperation, consultation or concert with, or at the request or suggestion of a candidate, solely because:

- a. the spender has obtained a photograph, biography, position paper, press release, logo, or similar material about the candidate from a publicly available source;
- b. the spender has previously provided advice to the candidate on suggested communication strategies, budgets, issues of public policy, or other campaign plans or activities;
- c. the spender makes an Expenditure in response to a general, non-specific request for support by a candidate, provided that there is no discussion, cooperation or consultation with the candidate prior to the Expenditure relating to the details of the Expenditure;
- d. the spender has also made a Contribution to the candidate, or has discussed with the candidate his or her campaign plans or activities as part of the candidate's solicitation for a donation;
- e. the Expenditure is made by a for-profit or non-profit organization for invitations, announcements, food and beverages and similar costs associated with an event to which the candidate has been invited by the organization to make an appearance before the organization's members, employees, shareholders and the families thereof; or
- f. the Expenditure is made by an individual who spends \$100 or less for costs associated with a sign that is lettered or printed individually by hand or that reproduces or replicates a candidate's campaign-related design or graphic.

5. **Correct Reporting:** It is acceptable for Participating Candidates to partake in Coordinated Expenditures, so long as the Expenditures are reported as such by all persons and entities involved with the Expenditure.

## **PART D INDEPENDENT EXPENDITURES**



- 1. Independent Expenditures; definition.** For the purposes of this Part, an "Independent Expenditure" is presumed to be:
  - a.** Any funds spent on Express Advocacy or Electioneering Communications that are made without the cooperation, consultation or coordination with, or at the request or suggestion of, a candidate, a candidate's authorized committee or an agent thereof. An Independent Expenditure may include materials already distributed to the public or broadcast by a candidate, the candidates authorized committee or an agent thereof.
  - b.** Independent Expenditures may consist of materials previously made public by the campaign without implying coordination by the campaign.
- 2. Rebutting presumption.** A person presumed under this Part to have made an Independent Expenditure may rebut the presumption by filing a signed written statement with the Board of Ethics within 48 hours of making the Expenditure stating:
  - a.** The cost was not an Expenditure, supported by any additional evidence the person chooses to submit; or
  - b.** That the Expenditure was made in cooperation, consultation or coordination with, or at the request or suggestion of, a candidate, a candidate's authorized committee or an agent thereof, supported by any additional evidence the person chooses to submit.
- 3. Report required; content; rules.** A person, party committee, political committee or political action committee, or measure finance committee that makes any Independent Expenditure in excess of \$100 during any one candidate's election, or in support or opposition of any one issue before the voters, shall file a report with the City Clerk in compliance with Article XIII, Section 4 of the City Charter.
  - a.** A report required by this subpart must contain an itemized account of each Expenditure in excess of \$100 in any one candidate's election, the date and purpose of each Expenditure and the name of each payee or creditor. The report must state whether the Expenditure is in support of or in opposition to the candidate and must include, under penalty of perjury, a statement under oath or affirmation whether the Expenditure is made in cooperation, consultation or concert with, or at the request or suggestion of, a candidate or an authorized committee or agent of a candidate.
- 4. Disclosure.** Any literature or advertisement that is purchased with monies from a person, measure finance committee, corporation, limited liability company, organization or other entity making an Independent Expenditure in an attempt to influence the outcome of an election shall disclose the name of the person, measure finance committee, corporation, limited liability company, organization or other entity making the Expenditure. Any disclosure statement required by this Part shall be printed clearly and legibly in a conspicuous manner. The disclosure statement shall include the words "paid for by" followed by the name of the entity making the Expenditure and shall state that it is not authorized by any candidate or candidate's campaign committee. The disclosure statement shall include an

internet address that links to the entity's campaign finance reports. Disclosure statements shall also comply with the following:

- a. If the communication is communicated via audio broadcast by any means, the disclosure shall be spoken at the end of the communication.
- b. If the communication is communicated via visual broadcast by any means, the disclosure shall be printed clearly and legibly in a conspicuous manner. Text must appear in letters equal to or greater than 4% of the vertical picture height, be visible for the entirety of the communication, and be in a color that has a reasonable degree of contrast with the background of the communication.
- c. All disclosures must be clear and conspicuous regardless of the medium in which the communication is transmitted. A disclosure is not clear and conspicuous if it is difficult to read or hear, or if the placement is easily overlooked.

**5. Exclusions.** An Independent Expenditure does not include:

- a. An Expenditure made by a person in cooperation, consultation or concert with, or at the request or suggestion of, a candidate, a candidate's political committee or their agents;
- b. A telephone survey that meets generally accepted standards for polling research and that is not conducted for the purpose of changing the voting position of the call recipients or discouraging them from voting;
- c. A telephone call naming a clearly identified candidate that identifies an individual's position on a candidate, ballot question or political party for the purpose of encouraging the individual to vote, as long as the call contains no advocacy for or against any candidate; and
- d. A voter guide that consists primarily of candidates' responses to surveys and questionnaires and that contains no advocacy for or against any candidate.

**Allegations and Complaints:** Persons wishing to report an allegation that an Independent Expenditure is a suspected Coordinated Expenditure must file a Complaint with the City Clerk in accordance with the Complaint Diversion Rule in Part I, below.

## **PART E IN-KIND CONTRIBUTIONS**

1. "In-Kind Contributions" are goods and services, other than money, that are donated or provided to the campaign at no cost or at a 20% or higher discount from the usual and customary charge. The following activities are examples of In-Kind Contributions:
  - a. A supporter of a candidate purchases campaign signs for distribution by the campaign and is not reimbursed by the campaign;
  - b. A supporter of a candidate pays for some of the candidate's advertising in a community newspaper and is not reimbursed by the campaign;
  - c. A copy shop owner provides the campaign with a discount of 20% or more on printing services;
  - d. A volunteer who is making signs to give to the candidate buys plywood and paint and is not reimbursed by the campaign;

- e. The owner of a local business provides the campaign, free of charge, some of their paid staff members to work for the campaign on company time;
  - f. A commercial vendor extends credit to the campaign under terms that are not substantially similar to the terms extended in the ordinary course of business to nonpolitical customers.
2. Contributors seeking to make an In-Kind Contribution of goods by paying for those goods must pay the vendor directly. If a contributor gives a monetary Contribution to a candidate, campaign, or MFC directly, even if the intent is that the monetary Contribution be used to pay for specific goods, the Contribution must be reported as a monetary Contribution to the candidate, campaign, or MFC, not an In-Kind Contribution.
  3. If a campaign receives an In-Kind Contribution, the campaign must report the fair market value of the Contribution, which is what the goods or services would have cost the campaign if it had paid cash for the donated goods or services. If the campaign received a discount of 20% or more on goods or services, the discount is the amount of the In-Kind Contribution.
  4. Professional services, including legal services, accounting services, consulting services and similar services provided directly from the professional to the Candidate are permitted, provided no single In-Kind Contributor exceeds the limits set in the Charter.
    - a. If a professional provides free of charge or at a discount of 20% or more, the kind of occupational services that the professional otherwise provides for compensation, that is an In-Kind Contribution. However, if a professional volunteers their time providing services that they do not otherwise provide for compensation, that is not an In-Kind Contribution. By way of example only:
      - i. If an accountant provides a campaign with free accounting services, that is an In-Kind Contribution that must be reported and will count against In-Kind Contribution limits.
      - ii. If an accountant volunteers their time going door-to-door for a candidate, that is volunteer work, does not need to be reported, and does not count against In-Kind Contribution limits.
      - iii. If a graphic designer provides a campaign with free design services, that is an In-Kind Contribution that must be reported and will count against In-Kind Contribution limits.
      - iv. If a graphic designer volunteers their time assisting a candidate with speech preparation, that is volunteer work, does not need to be reported, and does not count against In-Kind Contribution limits.
  5. Other In-Kind Contributions
    - a. *Food, Drink and Office Supplies.* Contributions of food, drinks, and/or office supplies that have a cumulative fair market value of one hundred dollars (\$100.00) per election cycle or more must be reported as In-Kind Contributions.
    - b. *Volunteer Services vs. Paid Assistance.* Individuals are permitted to provide their services for free to the campaign as volunteers. However, if the volunteer provides their services

with the knowledge of their employer during their paid work-time, then the employer has made a Contribution to the campaign.

- c. *Appearing in Advertising Sponsored by Third-Parties.* If an individual or organization invites the candidate to appear in a paid advertisement, and the advertisement airs within one hundred (100) days of an election and primarily features the candidate, the value of the advertising *could* be considered a Contribution to their campaign. If the advertisement qualifies as a Contribution, the candidate would be required to report receiving the value of the Contribution. It would count toward the Contribution limit. Contact the City Clerk to receive advice on what factors the Board of Ethics might consider in determining whether the advertisement would be a Contribution.
- d. *Polling and Research.* If an individual or organization provides a campaign or MFC with polling and research at no cost, or at a discount of 20% or more, that is an In-Kind Contribution that must be disclosed.
- e. *Services Contributed Through a Candidate's Business Entity.* If a candidate has a business entity, and that entity provides goods or services to the campaign without charge, or at a discount of 20% or more, those contributions are In-Kind Contributions that must be disclosed.
- f. *Coordinated Expenditures v. Independent Expenditures.* Coordinated Expenditures must be reported as In-Kind Contributions. Independent Expenditures are not In-Kind Contributions. A candidate is allowed to ask others not to spend money in support of their candidacy. Even if another person or organization were to spend money subsequently, merely making a request *not* to make an Independent Expenditure would not by itself constitute coordination.

## **PART F PUBLICATION OR DISTRIBUTION OF POLITICAL COMMUNICATIONS**

**1. Authorized by candidate.** Whenever a person makes an Expenditure to finance a audio or visual communication advocating the election or defeat of a candidate or ballot measure through broadcasting stations, cable television systems, newspapers, magazines, campaign signs or other outdoor advertising facilities, publicly accessible sites on the Internet, email, text messages, direct mails or other similar types of general public political advertising or through flyers, handbills, bumper stickers and other nonperiodical publications, the communication, if authorized by a candidate, a candidate's authorized political committee or their agents, must clearly and conspicuously state that the communication has been so authorized and must clearly state the name and address of the person who made or financed the Expenditure for the communication. A communication financed by a candidate or the candidate's committee is not required to state the address of the candidate or committee that financed the communication. If a communication that is financed by someone other than the candidate or the candidate's authorized committee is broadcast only by audio means, only the city and state of the address of the person who financed the communication must be stated.

**2. Not authorized by candidate.** If the communication described in subpart 1 is not authorized by a candidate, a candidate's authorized committee or their agents, the communication must clearly and conspicuously state that the communication is not authorized by any candidate and state the name and address of the person who made or financed the Expenditure for the communication, except that a communication broadcast only by audio means is only required to state the city and state of the address of the person that financed the communication. If the communication is in visual form, the communication must contain at the bottom of the communication in print that is equal to or greater than 4% of the vertical picture height, Times New Roman font, the words "NOT PAID FOR OR AUTHORIZED BY ANY CANDIDATE." These words must be visible for the entirety of the communication, and be in a color that has a reasonable degree of contrast with the background of the advertisement.

**3. Other communications.** Whenever a person makes an Expenditure to finance a communication that is made for the purposes of influencing the election or defeat of a candidate or ballot measure and that is disseminated during the 60 days before a regular or special election, or 45 days before a runoff election, through the media described in subpart 1, the communication must state the name and address of the person who made or financed the communication and a statement that the communication was or was not authorized by the candidate, except that a communication broadcast only by audio is only required to state the city and state of the address of the person that financed the communication. The disclosure is only required if the communication was made for the purpose of influencing the election.

**4. In-Kind Contributions of printed materials.** A candidate, measure finance committee, political committee or political action committee shall report on the campaign finance report as a Contribution to the candidate, measure finance committee, political committee or political action committee any Contributions of In-Kind printed materials to be used in the support of a candidate or in the support or defeat of a ballot question. Any In-Kind Contributions of printed materials used or distributed by a candidate, measure finance committee, political committee or political action committee must include the name or title of that candidate, measure finance committee, political committee or political action committee as the authorizing agent for the printing and distribution of the In-Kind Contribution.

**5. Broadcasting prohibited without disclosure.** No person operating a broadcasting station or cable television system within the City of Albuquerque may broadcast any communication, as described in subparts 1 to 3, without an oral or written visual announcement of the disclosure required by this rule.

**6. Newspapers.** A newspaper may not publish a communication described in subparts 1 to 3 without including the disclosure required by this Part. For purposes of this subpart, "newspaper" includes any printed material intended for general circulation or to be read by the general public, including a version of the newspaper displayed on a website owned or operated by the newspaper. When necessary, a newspaper may seek the advice of the City Clerk regarding whether or not the communication requires the disclosure.

**7. Enforcement.** A violation of Part F may result in a civil penalty of no more than 100% of the amount of the Expenditure in violation, except that an Expenditure for yard signs lacking the required information may result in a maximum civil penalty of \$500. In assessing a civil penalty, the Board of Ethics shall consider, among other things, how widely the communication was disseminated, whether the violation was intentional, whether the violation occurred as the result of an error by a printer or other paid vendor and whether the communication conceals or misrepresents the identity of the person who financed it. If the person who financed the communication or who committed the violation corrects the violation within 10 days after receiving notification of the violation from the commission by adding the missing information to the communication, the Board of Ethics may decide to assess no civil penalty.

**8. Telephone calls, text messages, emails, and social media posts.** Prerecorded automated telephone calls, scripted live telephone communications, text messages, emails, and social media posts that name a clearly identified candidate during the 60 days before a regular or special election, or the 45 days before a runoff election, must clearly state the name of the person who made or financed the Expenditure for the communication. Telephone calls, text messages, emails, and social media posts made for the purposes of researching the views of voters are not required to include the disclosure.

**9. Exclusions.** The requirements of this rule do not apply to:

- a. Handbills or other literature produced and distributed at a cost not exceeding \$100 and prepared by one or more individuals who are not required to register or file campaign finance reports with the City Clerk and who are acting independently of and without authorization by a candidate, candidate's authorized campaign committee, measure finance committee, party committee, political action committee or ballot question committee or an agent of a candidate, candidate's authorized campaign committee, measure finance committee, party committee, political action committee or ballot question committee;
- b. Campaign signs produced and distributed at a cost not exceeding \$100, paid for by one or more individuals who are not required to register or file campaign finance reports with the City Clerk and who are acting independently of and without authorization by a candidate, candidate's authorized campaign committee, measure finance committee, party committee, political action committee or ballot question committee or an agent of a candidate, candidate's authorized campaign committee, measure finance committee, party committee, political action committee or ballot question committee;
- c. Internet and e-mail activities costing less than \$100, paid for by one or more individuals who are acting independently of and without authorization by a candidate, candidate's authorized campaign committee, measure finance committee, party committee, political action committee or ballot question committee or an agent of a candidate, candidate's authorized campaign committee, measure finance committee, party committee, political action committee or ballot question committee;



- d. Campaign signs that are financed by the candidate or candidate's authorized committee and that clearly identify the name of the candidate and are lettered or printed individually by hand.

## **PART G MEASURE FINANCE COMMITTEES**

1. "Measure Finance Committee" (MFC) means 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 the Charter, voter approval or disapproval of one or more measures on the ballot and/or the election to, or 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.
2. MFCs include:
  - a. Any separate or segregated fund established by any corporation, membership organization, cooperative or labor or other organization whose purpose is to initiate or influence a campaign or election;
  - b. Any organization, including any corporation or association, that has as its major purpose initiating or influencing a campaign or election and that receives Contributions or makes Expenditures aggregating more than \$250 for that purpose; and
  - c. Any organization that does not have as its major purpose influencing candidate or ballot measure elections but that receives Contributions or makes Expenditures aggregating more than \$250 for the purpose of influencing the nomination or election of any candidate to political office.
3. MFCs Apply to Candidate Elections, Ballot Measure Questions and Referenda. Advocacy, charitable, or other organizations that are interested in raising and spending money to influence a the election of a candidate, a ballot question or referendum are required to form an MFC for that purpose, and file campaign finance reports with the City Clerk.
  - a. If an organization receives or spends more than \$250 to initiate or influence the outcome of an election, ballot question or referendum, then the organization would be considered a MFC and would have to register and file campaign finance reports with the City Clerk.
  - b. If an organization's only financial activity is to make a Contribution to a MFC that will disclose the Contribution in a campaign finance report, the organization does not have to register with the City Clerk. However, if the organization has raised funds for the purpose of contributing to a MFC, rather than from the organization's general treasury, it will trigger the registration requirement.
  - c. The requirement to register as a MFC also applies to an individual who raises or spends more than \$250 to initiate or influence an election, ballot question or referendum. However, if an individual uses *his or her own funds* to make a Contribution to a MFC, he or she would not qualify as a MFC, *provided that the funds used to make the Contribution were not obtained from another source in order to make the Contribution.*

#### 4. When to Register and File an Initial Report

- a. If the total amount of Contributions received or Expenditures made by an organization to initiate or influence the outcome of an election, ballot question, or referendum exceeds \$250, the organization is required to register and file an initial campaign finance report with the City Clerk in accordance with Article XIII, Section 4 of the City Charter.
- b. *All campaign activity leading up the \$250 threshold must be reported on the initial report.* The start date for the initial report is the date of the first Contribution, general treasury transfer, or Expenditure, whichever is earlier, even if it is not in the same calendar year as the election.
- c. The organization is required to report only those Contributions and Expenditures that have been made for the purpose of initiating or influencing a candidate's election, a ballot question or referendum. If the organization uses funds from its general treasury, those amounts must be reported as Contributions from the organization.
- d. In campaign finance reports, the organization must include an itemization of all Contributions, including the name and address of each contributor, and the contributor's occupation and employer. Every Expenditure made to support or oppose a candidate, ballot question or referendum must be reported, including Expenditures for the collection of signatures for a direct initiative.
- e. The City Clerk views Contributions received and Expenditures made by opponents of a citizen initiative during the signature-gathering phase as Contributions and Expenditures to influence an election which would count towards the threshold.
- f. If the organization uses paid staff to work on its efforts to influence a candidate's election, a ballot question, or referendum, the amount of compensation for staff time must be reported as an Expenditure. Goods or services, including donated staff time, the organization receives from other organizations or individuals must be reported as In-Kind Contributions.

## PART H CONTRIBUTIONS

1. No person may make a Contribution in the name of another person or knowingly permit his or her name to be used to accomplish such a Contribution. No person may knowingly accept a Contribution made by one person in the name of another. The contributor identified in reports submitted to the City Clerk must be the actual source of funds for the Contribution.
2. The term "Contribution" includes:
  - a. A gift, subscription, loan, advance or deposit of money or anything of value made for the purpose of influencing the nomination or election of any person to elected office or for the purpose of liquidating any campaign deficit of a candidate, except that a loan of money to a candidate by a financial institution in this State made in accordance with applicable banking laws and regulations and in the ordinary course of business is not included;
  - b. A contract, promise or agreement, express or implied, whether or not legally enforceable, to make a contribution for such purposes;



- c. Funds received by a candidate or a measure finance committee that are transferred to the candidate or committee from another political committee or other source; and
  - d. The payment, by any person other than a candidate or a measure finance committee, of compensation for the personal services of other persons that are provided to the candidate or committee without charge for any such purpose.
3. The term “Contribution” does not include:
- a. The value of services provided without compensation by individuals who volunteer a portion or all of their time on behalf of a candidate or measure finance committee;
  - b. Any unreimbursed travel expenses incurred by an individual in the course of providing voluntary personal services to a candidate and paid for by that individual, if the cumulative amount of these expenses does not exceed \$350 with respect to any election;
  - c. Any unreimbursed campaign-related travel expenses incurred and paid for by the candidate or the candidate's Immediate Family;
  - d. Documents, in printed or electronic form, including party platforms, single copies of issue papers, information pertaining to the requirements of the City Charter, lists of registered voters and voter identification information, created, obtained or maintained by a political party for the general purpose of party building and provided to a candidate who is a member of that party;
  - e. Compensation paid by a political party committee to its employees for the following purposes:
    - i. Recruiting and overseeing volunteers for campaign activities involving 3 or more candidates; or
    - ii. Coordinating campaign events involving 3 or more candidates;
    - iii. Campaign training sessions provided to 3 or more candidates;
  - f. Costs paid for by a political party committee in connection with a campaign event at which 3 or more candidates are present;
  - g. The use or distribution of any communication, as described in the City Clerk’s Rule on Political Communications in Part E, obtained by the candidate for a previous election and fully paid for during that election;
  - h. Activity or communication designed to encourage individuals to register to vote or to vote if that activity or communication does not mention a clearly identified candidate;
  - i. A candidate's own services and property, other than cash;
  - j. The use of a dwelling unit and residential premises incidental thereto for any campaign purpose and the provision of refreshments and entertainment in connection with such use;
  - k. The services of the person who is performing the duties of the candidate's treasurer; or
  - l. The use of vehicles for any campaign purpose other than in connection with the performance of a commercial or professional service.
4. The payment or waiver of legal fees to advise a candidate on compliance with campaign laws or regulations, and payment or waiver of legal fees or court costs to represent a candidate or candidate committee in any action reasonably related to the campaign or

election in which the candidate or committee has been named as a defendant, are contributions that must be disclosed, but are not subject to any contribution limits in the Charter.

5. Candidates who seek eligibility to receive public funds or become Participating Candidates under the OEEC should refer to the OEEC Regulations for additional guidance on Contributions under the OEEC.

## **PART I COMPLAINT DIVERSION PROCESS RULE**

### **1. Charges of Violations.**

- a. Any charge or charges that a candidate, candidate's committee, Measure Finance Committee, or any other group has committed a violation of the Election Code, Code of Ethics, Open and Ethical Elections Code, or the Rules and Regulations promulgated by the Board or the City Clerk shall be made in writing, notarized and brought before the City Clerk.
- b. The complaint must meet the following criteria in order to be considered sufficient:
  - i. The Clerk's complaint form has been used and all information requested by the form has been provided on the form, including:
    1. Complainant's name, address, and telephone number;
    2. The Respondent's name, address, and telephone number;
    3. If the Respondent is a candidate, the office or position sought;
    4. Whether Complainant has filed this complaint with any law enforcement agency, and if so, which one(s). A copy of complaints filed with any law enforcement agency must be attached to the complaint;
    5. A description in reasonable detail of the alleged violation, including the Section(s) or Part(s) of the Election Code, Code of Ethics, Open and Ethical Elections Code, or Rules and Regulations of the Board or City Clerk that the Complainant believes were violated, an explanation of how the Complainant believes the Election Code, Code of Ethics, Open and Ethical Elections Code, or Rules and Regulations of the Board or City Clerk were violated, and any other pertinent information;
    6. A description of the inquiry undertaken regarding the alleged violation;
    7. Evidence that supports the Complainant's allegations, including but not limited to:
      - a. The names/telephone numbers of persons whom Complainant believes may be witnesses to the facts;
      - b. A copy or picture of any political advertisement(s) Complainant references;
      - c. A copy of each document Complainant references; and
      - d. Any other evidence supporting Complainant's allegations;

8. A certification that: To the best of Complainant's knowledge, information, and belief, formed after a reasonable inquiry under the circumstances, each factual contention of the complaint is supported by evidence;
  - a. If, after a reasonable inquiry under the circumstances, the Complainant is unable to certify that certain specifically identified factual contentions of the complaint are supported by evidence, the Complainant may also certify that: To the best of Complainant's knowledge, information, and belief, there are grounds to conclude that those specifically identified factual contentions are likely to be supported by evidence after a reasonable opportunity for further inquiry;
9. The Complainant's notarized signature immediately after the certification or certifications.
  - ii. A single Respondent has been named in the complaint. A complaint cannot be filed against more than one person;
  - iii. The complaint has not been submitted anonymously;
  - iv. All exhibits or attachments referenced in the complaint have been included with the complaint;
  - v. The complaint was signed by the Complainant under oath in the presence of a notary public or other person authorized by law to administer oaths;
  - vi. The complaint contains the original signature of the Complainant;
  - vii. The complaint alleges a violation of the Election Code, Code of Ethics, Open and Ethical Elections Code, or Rules and Regulations of the Board or City Clerk;
  - viii. The complaint contains specific facts upon which the Complainant bases the allegation of a violation of the Election Code, Code of Ethics, Open and Ethical Elections Code, or Rules and Regulations of the Board or City Clerk;
  - ix. The complaint alleges a violation that occurred within 120 days of the date the complaint is filed with the City Clerk; and
  - x. The complaint is based on personal knowledge or information other than hearsay. Complainant should differentiate between statements based on the Complainant's personal knowledge and those based on information and belief. Statements not based on personal knowledge should identify the source of the information.
- c. Upon receipt of the filed complaint, the City Clerk must immediately notify the respondent and provide the respondent with a copy of the complaint by the most expeditious means available.
- d. Notwithstanding any other provision of the Rules and Regulations of the Board, within five business days after the complaint is filed with the City Clerk, the City Clerk will review the complaint to ensure that it meets all of the requirements of subpart a(2)(i)-(x) of this Part. The City Clerk's review is only for facial compliance with the requirements of subpart a(2)(i)-(x). The City Clerk shall not make any determinations regarding the merits of the complaint at this stage.
- e. If the complaint fails to comply with one or more of the requirements of subpart a(2)(i)-(x) of this Part or is otherwise incomplete, the City Clerk must reject the complaint and give written notice to the Board, the Complainant, and the Respondent of the reasons for

- f.** Within five business days after the complaint is filed with the City Clerk, if the City Clerk determines that the complaint meets all of the requirements of subpart a(2)(i)-(x) of this Part, the City Clerk may attempt to require the Respondent correct the violation or prevent further violations by informal methods and may enter into a voluntary compliance agreement with the Respondent prior to referring the complaint to the Board of Ethics and Campaign Practices. If the complaint is resolved by informal methods or a voluntary compliance agreement, the City Clerk shall give written notice to the Board and the Complainant of the details of the resolution.
- g.** If the City Clerk is unable to correct the violation or prevent further violations informally within 15 calendar days of the filing of the complaint, the City Clerk shall refer the complaint to the Board of Ethics and Campaign Practices. The City Clerk shall give written notice to the Complainant and the Respondent of the referral of the complaint to the Board.
- h.** In the event of an informal resolution, Complainant may file a new complaint with the City Clerk within ten days of receiving notice of the resolution. The Complaint must meet all of the requirements of subpart a(2)(i)-(x) of this Part.

If the Board of Ethics determines that the Complainant knowingly or recklessly filed a false certification, the Board may require a person who files a complaint with a false certification to:

- a.** Pay the Respondent some or all of the expenses, including, but not limited to, reasonable attorney fees, incurred by that person as a direct result of the filing of the complaint; and
- b.** Pay the maximum allowable civil fine.

## 1. Disclosing A Payment To A Member Of The Candidate's Family Or Household

- ONE**  
**ALBUQUE** city clerk  
**ROUE**

## **PART K USE OF PUBLIC RESOURCES BY CANDIDATES CURRENTLY HOLDING OFFICE**

1. In addition to the prohibitions on the use of public property and city employees contained in Article XII, Sections 6 and 7, the following regulations apply to all elected officials running for any office covered by the Election Code or Open and Ethical Elections Code:
  - a. The Board of Ethics may assess penalties for violations of Article XII, Sections 6 and 7, and consider such violations as In-Kind Contributions that will count towards a candidate's Expenditure limit.
  - b. Elected officials who are candidates may not include campaign information on their official website, and may not link to their official website from their campaign website.
  - c. Mass Communications distributed within three (3) months of an election using government resources must not:
    - i. Contain campaign-related, electioneering, or promotional language; or
    - ii. Contain contact information for the elected official's campaign.
  - d. Elected official's travel may be paid for with governmental funds only if the *primary purpose* of the trip is the conduct of *official business*. As a general matter, an elected official, while on official travel, may engage in incidental campaign or political activity, provided that no additional travel expenses are incurred as a result. However, when the primary purpose of a trip is in fact the conduct of campaign or political activity, then the travel expenses must be paid with campaign funds and cannot be paid with governmental funds.
  - e. An elected official may make nonpartisan voter registration information available in the elected official's office, but may not make campaign materials available in the elected official's office.

## **PART L STATE CAMPAIGN FINANCE ACCOUNTS**

1. Pursuant to NMSA 1978 Section 1-19-26(H), municipal elections are not covered elections under the Campaign Reporting Act, thus individuals with state campaign finance account funds may not use those funds to make expenditures in any City election, nor may state campaign finance account funds be transferred to a City campaign finance account.

Approved:

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Sarita Nair, Chief Administrative Officer

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Date

Recommended:

\_\_\_\_\_  
Katy Duhigg, City Clerk

\_\_\_\_\_  
Date

## **2019 REGULATIONS OF THE ALBUQUERQUE CITY CLERK FOR THE OPEN AND ETHICAL ELECTIONS CODE**

**PURPOSE:** In 2018, following the implementation of the State Local Election Act, the City Council passed Election Code Reform. In addition to bringing the City in line with the Local Election Act, the Election Reforms seek to update and modernize the City's public financing program, and to reflect changes in policy that have emerged since the 2011 Regulation for the Open and Ethical Elections Code was implemented. The purpose of these Regulations is to establish procedures that candidates shall follow under the Open and Ethical Elections Code, Albuquerque City Charter Article XVI (hereinafter referred to as the "OEEC," with all citations referring to the OEEC unless otherwise noted). The City Clerk shall create forms, election calendars, timelines and all other documents necessary to implement these Regulations. In conformance with the OEEC and these Regulations, the documents and forms created by the City Clerk are not part of these Regulations. These Regulations should be read in concert with the 2019 Election Code Regulations, which apply to all candidates unless the Regulation specifies otherwise.

**AUTHORITY:** Section 19 of the OEEC authorizes the City Clerk to adopt rules to insure the effective administration of the OEEC.

**APPLICABILITY:** These Regulations apply to all candidates for the offices of Mayor and City Council who seek eligibility to receive public funds or become Participating Candidates under the OEEC. These Regulations do not apply to candidates who are Non-Participating Candidates.

**EFFECTIVE DATE:** These Regulations shall be effective upon the approval and signature of the Chief Administrative Officer. Once effective, the City Clerk shall publish these Regulations on the Office of the City Clerk website.

**DATES AND DEADLINES:** Should a deadline fall on a City observed holiday or a weekend, the deadline is automatically moved to the next City working day, unless otherwise published by the City Clerk.

**GENERAL CAMPAIGN REPORTING:** Both Applicant and Participating Candidates under the OEEC shall follow all requirements and obligations of Non-Participating Candidates and shall file any and all campaign financing reports pursuant to City Charter Articles XII and XIII and other applicable state and local laws. OEEC § 9.

### **PART A      DEFINITIONS**

All terms utilized herein shall have the same meaning as defined by the OEEC, unless the regulation specifically notes otherwise. This Part also contains new definitions and clarified definitions for terms contained within the OEEC.

**Applicable Spending Limit:** For a Regular Local Election, an amount that is equal to the total revenue distributed to the Participating Candidate from the Fund. The Applicable Spending Limit for a runoff election means only the total revenue distributed to the Participating Candidate for a runoff from the Fund. See OEEC §§ 3(R), 6(C) and (E), 12 (B) and (C), 14, and 15.

**Applicant Candidate:** A candidate, but not a write-in candidate, running for a Covered Office and who is seeking to be a Participating Candidate.

**Contribution:** In addition to the definition in City Charter Article XIII, § 2(g), please see the 2019 Election Code Regulations regarding the term “Contribution.”

**Coordinated Expenditure:** Please see 2019 Election Code Regulations regarding the term “Coordinated Expenditure.”

**Covered Office:** City Council or Mayor.

**Disclosure Reports:** The statements filed in the electronic campaign finance report software system of the Applicant Candidate’s Seed Money and In-Kind Contributions pursuant to the OEEC as well as other required reporting pursuant to the Election Code.

**Expenditure:** In addition to the definitions included in Article XVI, Section 3(F), please see 2019 Election Code Regulations regarding the term “Expenditure.”

**Exploratory Period:** The timeframe in which an Applicant Candidate may begin to collect Seed Money and In-Kind Contributions and may file the Declaration of Intent to Seek Public Financing. Applicant Candidates may not collect Qualifying Contributions during this timeframe.

**Fund:** The Open and Ethical Elections Fund required by OEEC § 10, and may be designated as the “ABQ OEE FUND”. Payments to the Fund shall be made payable to the “ABQ OEE FUND” or the “CAOEE Fund.”

**Immediate Family:** "Immediate Family" means the candidate’s spouse, parent, grandparent, child, grandchild, sister, half-sister, brother, half-brother, stepparent, stepgrandparent, stepchild, stepgrandchild, stepsister, stepbrother, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, guardian, former guardian, domestic partner, the Immediate Family of the candidate’s spouse or domestic partner.



**Independent Expenditure:** Please see 2019 Election Code Regulations regarding the term “Independent Expenditure.”

**In-Kind Contribution:** In addition to the definition in City Charter Article XVI, § 3(K), “In-Kind Contributions” are goods and services that are donated or provided to the campaign at no cost or at a cost that is less than the usual and customary charge, but do not include the value of services provided without compensation or unreimbursed travel or other personal expenses of individuals who volunteer a portion or all of their time on behalf of a candidate or political committee. They are subject to the Contribution limits detailed in the OEEC. For additional regulations regarding In-Kind Contributions applicable to Applicant Candidates and Participating Candidates, please see the 2019 Election Code Regulations.

**Participating Candidate:** A candidate for a Covered Office who chooses to obtain financing pursuant to the OEEC and who is certified to participate by the City Clerk.

**Regular Local Election:** An election that is held on the first Tuesday after the first Monday in November in odd numbered years.

**Qualifying Contribution:** A donation of \$5.00 to the Fund in support of an Applicant Candidate and given pursuant to the OEEC and these Regulations. A Qualifying Contribution is not a prohibited Contribution pursuant to Article XIII Section 4 (f) of the City Charter. Qualifying Contributions in the form of checks or money orders shall contain the name of the Applicant Candidate on the face of the check or money order. Qualifying Contributions made via credit or debit card or electronically must be made through the Clerk’s Qualifying Contribution webpage. Applicant Candidates may not accept donations in excess of \$5.00. Credit/debit card processing fees shall be deducted from the candidate’s distribution, or paid by the candidate from seed money. The City Clerk will provide the exact number of Qualifying Contributions needed for qualification as a Participating Candidate to candidates no later than three (3) working days after the candidate files his/her Declaration. OEEC §§ 3(P) and 5.

**Qualifying Period:** The timeframe in which an Applicant Candidate must receive Qualifying Contributions from a minimum of 1% of applicable registered City voters. See OEEC §§ 3(Q) and 5.

**Seed Money:** Cumulative Contributions received by an Applicant Candidate of no more than \$100 per person and no more than \$500 of the Applicant Candidate’s own money raised for the primary purpose of enabling the Applicant Candidate to collect Qualifying Contributions and petition signatures. Seed Money may not exceed 10% of the Applicable Spending Limit and may be raised only during the Exploratory and Qualifying Periods. See OEEC §§3(R) and 6.

## **PART B      THE EXPLORATORY PERIOD**

**1.      Timeframe:** For Mayoral candidates, the Exploratory Period is from January 1<sup>st</sup> through February 15<sup>th</sup> of the year in which a Mayoral election is held. For City Council candidates, the Exploratory Period is from March 15<sup>th</sup> through April 30<sup>th</sup> of the year in which a City Council election is held. OEEC § 3(G).

**2.      Seed Money:** Applicant Candidates may raise Seed Money during the Exploratory Period and the Qualifying Period but not thereafter. Contributors of Seed Money shall be Persons as defined by § 3(O) of the OEEC. The City Clerk will provide the amount of the Applicable Spending Limits to Applicant Candidates at the beginning of the Exploratory Period. Any Seed Money received by a candidate or their representative(s) shall be deducted from any Fund distributions to the Applicant Candidate. Any Seed Money in excess of 10% of the Applicable Spending Limit (“Excess Seed Money”) at the time of the distribution of revenue from the Fund by the City Clerk shall also be deducted from the amount of the distribution. Any Seed Money collected in excess of the 10% limit may also be a violation of the OEEC. See OEEC §§ 3(R), 6(C), (D), and (F), and 12(C).

**3.      In-Kind Contributions:** Applicant Candidates may receive In-Kind Contributions from the beginning of the Exploratory Period through the day the Regular Local Election is held, or day of the runoff election, if applicable. The total In-Kind Contributions cannot exceed 10% of the Applicable Spending Limit and any individual In-Kind Contribution cannot exceed 5% of the annual salary for the office being sought. OEEC § 6

In the event any disclosure report shows the cumulative value of In-Kind Contributions exceeds 10% of the Applicable Spending Limit, the candidate shall pay such excess to the City Clerk. Candidates shall also pay to the City Clerk the excess of any individual In-Kind Contribution that exceeds 5% of the annual salary for the office being sought (“Excess In-Kind Contribution”). Any In-Kind Contributions in excess of those allowed in the OEEC will result in a violation of the OEEC.

Persons, as defined in Art. XVI, Sec. 3(O), making In-Kind Contributions are not required to reside in the City of Albuquerque nor are they required to be registered to vote in the City of Albuquerque. For additional regulations regarding In-Kind Contributions applicable to Applicant Candidates and Participating Candidates, please see the 2019 Election Code Regulations.

**4.      Expenditures During Exploratory Period**      The only funding sources that Applicant Candidates may use during the Exploratory Period for Expenditures related to campaign activities for the City office being sought are Seed Money and In-Kind

Contributions. An Expenditure is made on the date the payment is made or on the date consideration, if any, is received, whichever is earlier.

## **5. Reporting**

**a. Training:** All campaign finance reporting is done electronically. Applicant Candidates and/or their designated representative(s) shall attend a reporting procedures training class conducted by the City Clerk prior to submitting the First Disclosure Report. All candidates and representatives completing the training shall execute an Acknowledgement of Training following the course which the City Clerk shall keep on file. The training received as an Applicant Candidate shall also serve as training for reporting under the Election Code.

**b. Affirmation of Accuracy:** When filing their electronic reports, candidates shall affirm the accuracy of their reports under penalty of perjury by clicking the Affirmation of Accuracy box in the electronic filing system, or by executing and delivering a notarized Affidavit, in the form provided by the City Clerk, by 5:00 p.m. on the day each Disclosure Report is due.

**c. Reporting:** All campaign finance reports made pursuant to the Election Code §4(c) shall include Expenditures of Seed Money and the receipt of In-Kind Contributions. OEEC § 9

**d. Deadlines for Reports:** All financial reports are due at 5:00 p.m. on the day the report is due. This includes filing the electronic report and the forms to the Office of the City Clerk.

**6. Required Information for Reporting Seed Money and In-Kind Contributions:** Disclosure Reports for Seed Money shall list the contributor's name, street address, phone number, occupation, employer, and the employer's address. Self-employed contributors must indicate a physical business address or state "same" if they share a business and personal address. Retired or unemployed contributors may indicate "none" for their business address.

If a Contribution of Seed Money is from an organization, corporation or other entity not prohibited from contributing under the Election Code, the City Clerk may request additional information from the Applicant Candidate showing ownership or control of the entity and where business is conducted. See OEEC § 3(O)(3).

For In-Kind Contributions, the report shall show all of the information required for Seed Money as well as a detailed description of the goods and/or services provided along with the fair market value of the goods or services at the time the In-Kind Contribution was made.

Contributions from city contractors are prohibited by the Election Code, § 4 (f).

**7. Limitation on Contributions:** The aggregate amount of In-Kind Contributions shall not exceed ten percent (10%) of the Applicable Spending Limit. In the event of a runoff, the aggregate amount of In-Kind Contributions shall not exceed ten percent (10%) of the Applicable Spending Limit for the runoff. The aggregate amount of Seed Money Contributions shall not exceed ten percent (10%) of the Applicable Spending Limit. .

**8. Expenditures and Contributions Before the Exploratory Period:**

**a.** Expenditures: The only funding source that Applicant Candidates may use prior to the Exploratory Period for Expenditures related to campaign activities for the City office being sought are the Applicant Candidate's donation of Seed Money to their own campaign. No Seed Money from any other source may be accepted or expended prior to the Exploratory Period.

**b.** Contributions: Applicant Candidates may not accept contributions of any kind prior to the Exploratory Period.

**c.** An Applicant Candidate who has accepted Contributions or made Expenditures that do not comply with the requirements of this subpart may petition the City Clerk to remain eligible for certification as a Participating Candidate if the failure to comply was unintentional and does not constitute a significant infraction of these restrictions.

**PART C QUALIFYING PERIOD AND QUALIFYING CONTRIBUTIONS**

**1. Timeframe:** For Mayoral candidates the Qualifying Period is February 16<sup>th</sup> through March 31<sup>st</sup> of the year in which a Mayoral election is held. For City Council candidates, the Qualifying Period is May 1<sup>st</sup> through May 31<sup>st</sup> of the year in which a City Council election is held. OEEC § 3(Q). The Qualifying Period is the only time during which a candidate may collect Qualifying Contributions. Collection of Qualifying Contributions during any other timeframe may result in a finding of violations by the Board of Ethics. Candidates may not collect Qualifying Contributions without first meeting with the City Clerk to receive all necessary forms and information.

**2. Declaration of Intent:** Applicant Candidates shall submit a Declaration of Intent ("Declaration"), on the form provided by the City Clerk, prior to collecting any Qualifying Contributions. The Office of the City Clerk will begin accepting Declarations at 8:00 a.m. on the first day of the Exploratory Period. The deadline to submit a Declaration is 5:00 p.m. on the last day of the Qualifying Period. Applicant Candidates may begin to solicit and accept Qualifying Contributions immediately after the City Clerk accepts the Applicant Candidate's Declaration and the Qualifying Period has begun.

**3. Determining the Required Number of Qualifying Contributions:** The City Clerk shall calculate the number of Qualifying Contributions required for Applicant Candidates

based upon the number of registered voters within the City of Albuquerque as shown on the voter registration rolls of the New Mexico Secretary of State and the Bernalillo County Clerk. In the event that there is a conflict between the number of registered voters listed of the rolls of the New Mexico Secretary of State and the Bernalillo County Clerk, the City Clerk shall determine which roll will be used. For Mayoral candidates, the City Clerk will base the total on the number of voters registered city-wide as of February 1<sup>st</sup> of the year in which the election for Mayor is held. For City Council candidates, the number is based upon the number of registered voters within the applicable district as of April 15<sup>th</sup> of the year in which the election for the City Council position is held. OEEC § 5 (A) & (B). The City Clerk will provide the number of required Qualifying Contributions to Applicant Candidates within five (5) working days of the Applicant Candidate submitting their Declaration, or within five (5) working days of the deadlines noted above

**4. Qualifying Contribution Books:** The City Clerk shall provide Applicant Candidates with Qualifying Contribution Books (“Books”) containing either 10 or 25 three-part receipts for contributions. Applicant Candidates shall submit all Qualifying Contributions with corresponding Books containing the required information about the contributors and the required signatures.

The Books shall be pre-printed with all receipts containing the necessary notices to the contributor, except for the name of the Applicant Candidate and the candidate’s district, which candidates and their representatives must fill in after receiving the Books from the City Clerk. OEEC § 3(P). The three parts include the white original for the City Clerk, a yellow copy for the candidate, and a pink copy for the contributor.

Applicant Candidates shall obtain Books from only the Office of the City Clerk. The candidate or the candidate’s designated representative must sign an Acknowledgement for the number of Books received each time Books are provided to the candidate’s campaign. The City Clerk shall not provide the candidate with partial Books.

Candidates shall submit Books with both the white original and the yellow copy intact. The pink copies may be removed and provided to the contributor.

At the end of the Qualifying Period, Applicant Candidates shall return all Books to the Office of the City Clerk whether they are used or unused. The City Clerk shall accept partially used Books but Applicant Candidates are strongly urged to fully use Books before submitting them whenever possible. It is the responsibility of the Applicant Candidate to assure that all Books are returned to the Office of the City Clerk. A failure to return Books may result in a finding of violation of the OEEC by the Board of Ethics.

All Books containing signatures with corresponding Qualifying Contributions shall be submitted to the City Clerk no later than noon on April 1<sup>st</sup> for Mayoral Applicant Candidates and noon on June 1<sup>st</sup> for City Council Applicant Candidates. Candidates shall

return all unused Books within ten (10) days after the applicable deadline. The City Clerk shall report unreturned books to the Board of Ethics.

**5. Qualifying Contribution Website:** The City Clerk shall develop a Qualifying Contribution website, which may be used as an alternative, electronic method for collecting Qualifying Contributions. The Clerk will issue additional guidance regarding use of the website once it has launched.

**6. Soliciting and Accepting Qualifying Contributions:** Applicant Candidates and their representatives may solicit and accept Qualifying Contributions from all applicable City voters registered in the district the Applicant Candidate seeks to represent. Applicant Candidates are responsible for assuring that receipts are fully and correctly filled out, including with signatures, and that the contributor's name and address are legible. Names, dates, and addresses on the receipts may be filled out by someone other than the contributor, but the contributor himself or herself must sign the receipt. The Applicant Candidate's campaign may not cross out, white out, or otherwise remove any information the contributor has provided for the receipt, however, explanatory information may be added to the receipt if the information is necessary to validate the contribution. For example, if the contributor fills out his or her name illegibly, the campaign may print that name on the receipt, but may not cross out or remove the information provided by the contributor. All \$5 Qualifying Contributions must be paid by the contributor; if the funds are provided by any person other than the contributor who is listed on the receipt, the Qualifying Contribution will be deemed fraudulent. The City Clerk will not certify Qualifying Contributions toward the required number of Qualified Contributions necessary to qualify an Applicant Candidate as a Participating Candidate that do not meet the requirements of this paragraph. OEEC § 3(P)

- a. Minimum Requirements For Qualifying Contributions:** A Qualifying Contribution will not be certified toward the required number of Qualified Contributions necessary to qualify an Applicant Candidate as a Participating Candidate unless it:
- i.** is made by a registered City voter residing in the district in which the Applicant Candidate desires to represent;
  - ii.** is made during the designated Qualifying Period;
  - iii.** is obtained through efforts made with the knowledge and approval of the Applicant Candidate;
  - iv.** is acknowledged by a receipt that identifies the contributor's name and physical address as shown on the New Mexico Secretary of State's voter registration rolls on forms provided by the Clerk;
  - v.** is signed by the contributor;
  - vi.** identifies which Applicant Candidate the City resident supports; and
  - vii.** is sent to the City Clerk.



- b. Date the Qualifying Contribution Was Received:** The date the Contribution was received must be on or after the Applicant Candidate files his or her Declaration of Intent and within the Qualifying Period. The date stated in the Book as the date the Contribution was received by the Applicant Candidate's campaign shall be the date attributed to the Contribution, regardless of the date written on the check or money order.
- c. Name and Registered Address of the Contributor:** The contributor must provide their name and address as shown on the New Mexico Secretary of State's voter registration rolls. Although this requirement must be pre-printed on each receipt as a notice to the contributor, it is the responsibility of the Applicant Candidate's campaign to ensure that this requirement is met. If the contributor provides an address other than their address as shown on the New Mexico Secretary of State's voter registration rolls, the campaign may print the correct registered address on the receipt, but may not cross out or remove the information provided by the contributor.
- d. Qualifying Contributions Made Via The Clerk's Qualifying Contribution Website:** Guidance specific to Qualifying Contributions made via the City Clerk's Qualifying Contribution website shall be provided once the website has launched.
- e. Qualifying Contributions To Multiple Candidates Running For The Same Office:** A registered City voter may contribute a Qualifying Contribution to more than one Applicant Candidate, provided that the requirements noted above in Subpart C(6)(a) are met.
- f. Simultaneous Collection of Petition Signatures.** Applicant Candidates may choose to gather petition signatures simultaneously with Qualifying Contributions during any overlap of the petition signature period and the Qualifying Contribution period. If a candidate chooses to collect Qualifying Contributions along with petition signatures, both the petition form and the Qualifying Contribution receipt must be completed in their entirety. The Office of the City Clerk will not accept petition forms or Books with indications to see the other form for voter information. Candidates need not submit petition forms at the same time they submit Books for the same voters.

**7. Contribution Reporting:** With the exception of March 1, on each Friday of the applicable Qualifying Period, Applicant Candidates shall report their Qualifying Contributions by submitting their Books and the corresponding Qualifying Contributions to the City Clerk.

- a. The receipts and Contributions are due at the Clerk's Office by 12:00 p.m. (noon) of each Friday.
- b. If no Qualifying Contributions have been received by the Applicant Candidate by the Friday reporting deadline, Applicant Candidates shall report to the City Clerk that no Qualifying Contributions have been received by submitting the form supplied by the City Clerk.
- c. Applicant Candidates must report and submit all Contributions received to the City Clerk on the Friday reporting deadline following receipt of the Contribution.
- d. The final Qualifying Contribution report is due no later than noon on the City working day immediately following the expiration of the Qualifying Period, which is April 1<sup>st</sup> for Mayoral Applicant Candidates and June 1<sup>st</sup> for City Council Applicant Candidates. OEEC § 9.
- e. For each Book submitted, a corresponding amount of \$5.00 Contributions shall be attached to the Book and submitted (i.e., if the Book contains eight (8) completed white original receipts, then \$40.00 in contributions must be attached to the Book).
- f. Applicant Candidates shall submit a signed, notarized affidavit, in the form provided by the City Clerk, with each Qualifying Contribution report.
- g. Guidance specific to Contribution Reporting for Contributions made via the City Clerk's Qualifying Contribution website shall be provided once the website has launched.

**8. Verification of Qualifying Contributions:** The Office of the City Clerk will verify each and every Qualifying Contribution to assure the Contribution meets all requirements. The City Clerk will assure that the verifying staff is adequately trained in the verification process. Using the New Mexico Secretary of State's and Bernalillo County Clerk's Voter Registration System, clerks 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(6)(a) are met.

Qualifying Contributions are accepted, rejected or left pending by the verifying staff. The City Clerk will notify Applicant Candidates of the number of accepted, rejected, and pending Qualifying Contributions each Friday of the Qualifying Period. Pending Qualifying Contributions are reviewed by a supervisor and the City Clerk to determine whether the Qualifying Contribution is accepted or rejected. In the case of a



rejected Qualifying Contribution, if there is some evidence of intentional wrong-doing the City Clerk will notify the City Attorney for further investigation. The City Clerk will consider any Qualifying Contribution submitted to the City Attorney as rejected until receiving an opinion or court order that the Qualifying Contribution is acceptable.

Guidance specific to Qualifying Contribution verification for Contributions made via the City Clerk's Qualifying Contribution website shall be provided once the website has launched.

**9. Certification of Participating Candidates for Public Financing:** The City Clerk shall certify Applicant Candidates who meet the requirements of the OEEC and who submit an Application for Certification as a Participating Candidate. Mayoral candidates must submit the Application for Certification by April 1<sup>st</sup> and City Council Candidates by June 1<sup>st</sup>. The City Clerk shall provide notice to all Applicant Candidates regarding whether they have been certified as a Participating Candidate by posting a list of certified Participating Candidates in the Office of the City Clerk, on the City Clerk's website, and by Certified Mail to each Applicant Candidate. Certification as a Participating Candidate does not eliminate or modify candidate qualification requirements of the City Charter or under New Mexico law. OEEC § 7.

- a.** In addition to the criteria for certification listed in Art. XVI, Section 7(A), upon receipt of a final Qualifying Contribution report from an Applicant Candidate, the Clerk shall determine whether the Applicant Candidate has:
  - i.** been found to have accepted Contributions in excess of the pre-and post-Exploratory Period limitations set forth in the OEEC, and has otherwise complied with Seed Money and In-Kind restrictions;
  - ii.** run for the same office as a Non-Participating Candidate in the same election year;
  - iii.** been found to have made a material false statement in a report or other document submitted to the City Clerk;
  - iv.** failed to pay any civil penalty assessed by the City Clerk or Board of Ethics, except that a candidate has three (3) working days from the date of the request for certification to pay the outstanding penalty and remain eligible for certification; and
  - v.** been found to have submitted any fraudulent Qualifying Contributions or any falsified acknowledgement forms for Qualifying Contributions or Seed Money Contributions, where the Applicant Candidate knew or should have known of the fraudulence or falsification.
- b.** If the Clerk makes any of the findings above, the Clerk shall not certify the Applicant Candidate as a Participating Candidate.

- c. An Applicant Candidate whose certification has been denied may appeal the Clerk's determination as provided in Art. XVI, Section 20.

**10. Unsuccessful Applicant Candidates:** The Qualifying Contributions submitted by Applicant Candidates who fail to obtain a sufficient number of Qualifying Contributions or otherwise fail to qualify as a Participating Candidate shall be deposited in the Open and Ethical Elections Fund. Qualifying Contributions to the Applicant Candidate shall not be refunded.

**11. Revocation of Certification.** The certification of a Participating Candidate may be revoked at any time if the City Clerk determines that the candidate or an agent of the candidate:

- a. Did not submit the required number of valid Qualifying Contributions;
- b. Failed to qualify as a candidate by petition or other means;
- c. Submitted any fraudulent Qualifying Contributions or Qualifying Contributions that were not made by the named contributor, and the Participating Candidate knew or should have known of the fraudulence;
- d. Misrepresented to a contributor the purpose of the Qualifying Contribution or obtaining the contributor's signature on the receipt and acknowledgement form and the Participating Candidate knew or should have known of the misrepresentation;
- e. Failed to fully comply with the Seed Money and In-Kind restrictions;
- f. Knowingly made a false statement or material misrepresentation in any report or other document required to be filed under the OEEC or the Election Code; or
- g. Otherwise substantially violated the provisions of the OEEC or the Election Code.

The determination to revoke the certification of a candidate must be made by a vote of the members of the Board of Ethics after an opportunity for a hearing. A candidate whose certification is revoked shall return all unspent funds to the City Clerk within three (3) working days of the Board of Ethics' decision and may be required to return all funds distributed to the candidate. In addition to the requirement to return funds, the candidate may be subject to a civil penalty.

Notwithstanding Article XVI, Section 20, the candidate may appeal the Board of Ethics' decision to revoke certification in the same manner provided in Article XII, Section 8, subsection (f) of the City Charter.

## **PART D PARTICIPATING CANDIDATES**

- 1. Reporting:** All Participating Candidates must fully comply with all aspects of campaign finance reporting pursuant to the City Charter, Revised Ordinances of Albuquerque and any and all Rules and Regulations of the City Clerk and Board of Ethics.
- 2. Distribution of Funds to Participating Candidates**
  - a. Electronic payment:** The City Clerk, with the assistance of the City's Treasury Department shall distribute all payments from the Fund electronically. Participating Candidates shall provide all necessary information for electronic transfers on the forms prescribed by the City Clerk.
  - b. Timing of Distribution:** Upon certification of the Participating Candidates, and calculation of the funds owed to Participating Candidates, the City Clerk shall provide the necessary information to the Treasury Department to initiate the electronic transfer of the funds constituting the first distribution of monies from the Fund. The transfer of funds is subject to banking regulations and will typically occur one business day after the transfer is initiated. OEEC § 14.
  - c. Initial Distribution:** Subject to availability of funds, the City Clerk shall distribute funds as outlined in OEEC §12. Qualifying Contributions, Seed Money and In-Kind Contributions that exceed the allowable limits and that are not paid to the City Clerk shall be deducted from the Fund distribution. The Clerk will determine the total funds available for distribution and apply an equation utilized to calculate fund distribution to individual Participating Candidates. The equation is: \$1.00 per registered voter in the district, minus the total Seed Money collected by the candidate. Funding in addition to the initial distribution is subject to availability of funds. OEEC §§ 12 and 14.
- 3. Expenditures:** The guidelines regarding Expenditures detailed below are in addition to the guidelines and restrictions on Expenditures that are contained in Article XVI, Section 8 of the City Charter, and the 2019 Election Code Regulations regarding Expenditures.
  - a. PERMISSIBLE EXPENDITURES.** Expenditures for “campaign-related purposes” are those which are traditionally accepted as necessary to promote the election of a candidate to political office. Candidates using OEEC funds must also take into account the public nature of the funds, the underlying objectives of the OEEC, and the reasonableness of the Expenditures under the circumstances. In the City of Albuquerque, traditional campaign expenses have included, but are not limited to:
    - i. Political advertising expenses;**

- ii. Campaign communications such as signs, bumper stickers, T-shirts, or caps with campaign slogans, etc.;
- iii. Campaign events (e.g., invitations, food, tent or hall rental, etc.);
- iv. Printing and mailing costs;
- v. Campaign staff expenses;
- vi. An entry fee for an event organized by a committee, charity, or community organization or an ad in an event publication, as long as the Expenditure benefits the candidate's campaign;
- vii. Candidate's campaign-related childcare, provided it is not provided by a member of the candidate's Immediate Family; and
- viii. Campaign operational and travel expenses, such as fuel and tolls, websites, office rental, telecommunications, equipment, or office supplies.

**b. PROHIBITED EXPENDITURES.** Candidates may not use OEEC funds for personal expenses or for invalid political expenses, as detailed below. This means candidates may not borrow from or use OEEC funds for personal or other non-campaign expenses, even if temporarily and with the intention of repaying the funds.

- i. Personal expenses are for goods and services that the candidate would otherwise purchase independently of the campaign, including but not limited to:
  - 1) Day-to-day household expenses and supplies;
  - 2) Mortgage, rent, or utility payments for the candidate's personal residence, even if part of the residence is being used by the campaign;
  - 3) Vehicle repair and maintenance;
  - 4) Non-campaign transportation expenses;
  - 5) Clothing, including attire for political functions such as business suits or shoes.

ii. OEEC funds also may not be spent to:

- 1) Pay a consultant, vendor, or campaign staff for anything other than campaign goods or services;
- 2) Compensate the candidate for services provided by the candidate;
- 3) Make Independent Expenditures supporting or opposing any candidate, ballot question, or political committee;

- 4) Assist in any way the campaign of any candidate other than the candidate for whom the funds were originally designated;
  - 5) Contribute to another candidate, a political committee, a measure finance committee, or a party committee other than in exchange for goods and services;
  - 6) Make a donation to a charity or a community organization, other than in exchange for campaign goods or services;
  - 7) Promote political or social positions or causes other than the candidate's campaign;
  - 8) Make a thank-you gift (including a gift card) to a volunteer or supporter; or
  - 9) Pay any civil or criminal penalties, fines, or forfeitures.
- c. **Ballot Questions.** Candidates may state their position with respect to a ballot question in a communication financed with OEEC funds. Candidates may not use OEEC funds for a paid communication that primarily supports or opposes a ballot measure, referendum, or citizen initiative.
- d. **Campaign Training.** Candidates may use OEEC funds for tuition or registration costs for campaign or policy issues training.
- e. **Car Travel.** OEEC campaigns may reimburse the candidate or campaign workers for their car travel, as long as the person reimbursed has kept a *contemporaneous* travel log. The campaign may make a travel reimbursement up to the number of miles traveled as reported in the log multiplied by the current standard IRS mileage rate for a business. Campaigns must keep the travel logs for three years, and provide them to the Board of Ethics or City Clerk if requested. Candidates and their spouses/domestic partners may spend any amount of their personal funds for campaign travel without seeking reimbursement. Other individuals may spend up to \$250 of their personal funds to pay for travel without making a Contribution to the campaign.
- f. **Food.** Candidates may spend reasonable amounts of OEEC funds on food for campaign events or to feed volunteers while they are working, but must take into account the public nature of OEEC funding. Candidates may not use OEEC funds to purchase food that is consumed *only* by the candidate and/or members of the candidate's Immediate Family. Generally, reasonable amounts for food should not exceed \$25 per person per event. If candidates wish to spend greater amounts per

person for food, the City Clerk recommends that the candidate contact the City Clerk for guidance.

- g. Lodging.** Candidates may use OEEC funds to pay for lodging other than the candidate's primary residence or the residence of the candidate's Immediate Family, if necessary for campaign purposes, but must keep lodging expenses reasonable and may not exceed fair market values. OEEC candidates may use personal funds for lodging, provided that they are not reimbursed by others.
- h. Office Supplies.** Candidates may spend OEEC funds for office supplies that they reasonably anticipate will be used for campaign purposes only. OEEC funds may not be spent for office supplies to be used for constituent communications or for other expenses associated with service as a public official. The Board of Ethics may require candidates to repay their campaign for any office supplies with a value of \$500 or more that were not used for campaign purposes or were used minimally for campaign purposes
- i. Post-Election Notes and Parties.** Candidates may spend up to \$1,000.00 maximum amounts of OEEC funds on post-election parties, post-election thank you notes, or post-election advertising to thank supporters or voters. Candidates may also use personal funds for these purposes.
- j. Property and Equipment.** Goods purchased with OEEC funds for \$50 or more that could be converted to personal use after the campaign (e.g., computers, cell phones) must be sold in an arms length transaction and the proceeds returned to the Fund no later than 45 days after the final report for the campaign. If the campaign sells the property or equipment to the candidate or a member of the candidate's Immediate Family or campaign staff, the campaign must receive at least 75% of the original purchase price paid by the campaign. Candidates are welcome to lease electronic and other equipment.
- k. Salary and Compensation.** Candidates may use OEEC funds to pay for campaign-related services by staff or consultants, provided that compensation is made at fair market value and sufficient records are maintained to show what services were received. Documentation must include a description of the labor performed by the staff member or consultant, and an itemization of any goods or services purchased from other vendors including date, vendor, and amount. In any documentation that provides for the sale of goods or service to or by a campaign, a sale for nominal consideration is presumed to be a donation.

#### **4. Paying Campaign Funds to Family Members:**

##### **a. Disclosing A Payment To A Member Of The Candidate's Family Or Household**

- i.** If a candidate uses OEEC funds to pay or reimburse a member of the candidate's "Immediate Family" (defined above), a member of the candidate's household, or a business or nonprofit entity affiliated with a member of the candidate's Immediate Family, the candidate must disclose the family or household relationship (e.g., "spouse," "domestic partner," "brother," "roommate," or "business owned by daughter") in the campaign finance report.

##### **b. Additional Restrictions For OEEC Candidates**

- i.** A candidate may not pay OEEC funds to:
  - 1)** The candidate or a sole proprietorship owned by the candidate,
  - 2)** A member of the candidate's Immediate Family or household,
  - 3)** A business entity in which the candidate or a member of the candidate's Immediate Family or household holds a significant proprietary or financial interest, or
  - 4)** A nonprofit entity in which the candidate or a member of the candidate's Immediate Family or household is a director, officer, executive director or equivalent, or chief financial officer or equivalent.
- ii.** There are two narrow exceptions to this prohibition:
  - 1)** Permitted Payments to the Candidate and Household Members.

A candidate may use OEEC funds to pay a member of the candidate's Immediate Family or household, a business entity in which the candidate or a member of the candidate's Immediate Family or household holds a significant proprietary or financial interest, or a nonprofit entity in which the candidate or a member of the candidate's Immediate Family or household is a director, officer, executive director or chief financial officer only if the Expenditure is made:

    - A.** For a legitimate campaign-related purpose; to an individual or business that provides the goods or services being purchased in the normal course of their occupation or business, and in an amount that is reasonable taking into



consideration current market value and other factors the Board of Ethics may choose to consider; and

- B.** The candidate provides documentary evidence that the Expenditure qualifies for the exception at the time the Expenditure is reported or when the City Clerk or Board of Ethics requests such evidence, whichever is sooner. This evidence must consist of documentation that the payee currently is employed by or engaged in a business that provides the goods or services provided; justification for the amount of the Expenditure including the usual price paid by other clients; and an explanation of why the Expenditure is campaign-related. Occasional or sporadic employment on political campaigns (e.g., field work, public relations, or organizing volunteers) will be insufficient to demonstrate a normal course of business.

- 2)** Reimbursements. Reimbursements, including travel reimbursements, that are made in accordance with the City Clerk and Board of Ethics rules and guidelines are exempt from this restriction. However, the candidate must disclose the family or household relationship when reporting the reimbursement as described above. If an OEEC candidate or a family or household member uses personal funds or a personal credit card to pay a vendor for campaign goods or services, the candidate must reimburse the individual with OEEC funds.

**5. Payment of Funds to City:** Participating Candidates shall return all funds that are unspent or unencumbered as of the date of the Regular Local Election to the City Clerk for deposit into the Fund. The date of the Regular Local Election is the last day that candidates may spend or encumber funds. Candidates shall return the funds within two (2) weeks of Election Day. The final campaign disclosure report filed by the Participating Candidate shall show the amount of unspent Seed Money and any unspent distributions from the Fund as well as the amounts refunded by the candidate to the City Clerk. OEEC § 8(C)

**6. Runoff Elections:** Participating Candidates who are part of a Runoff Election remain Participating Candidates as described herein.

- a.** Candidates involved in a runoff election are not exempt from returning funds pursuant to OEEC § 8(C). Runoff candidates shall return and report funds as required and shall receive payment from the Fund pursuant to the OEEC for



runoff elections within three working days after certification of the local election.

- b. Within three (3) working days after a runoff election, Participating Candidates shall pay to the City Clerk all revenues provided for the runoff election from the Fund that are not encumbered or spent.
- c. **Final Campaign Disclosure Report:** The final campaign disclosure report filed by the Participating Candidate after the runoff election shall show the amount of all unspent and unencumbered Seed Money and revenues from the Fund and shall disclose all payments of refund payments to the City Clerk required by the OEEC and these Regulations.
- d. **Spending Limits** In the event of a runoff election, the aggregate Contributions for In-Kind Contributions shall be based on the spending limit for the runoff election. Spending limits for the runoff election shall be based on the amount of Fund revenues provided by the City Clerk to Participating Candidates for the runoff election. OEEC §§ 3 (R) and 6 (D) and (E).
- e. **Runoff Election Funds:** Participating Candidates may opt out of public funding if they are involved in a runoff election. If a candidate desires to opt out for a run off they must give the Clerk written notice of their decision to opt out within one (1) working day of certification of the election.
- f. **Runoff Election Reports:** The reporting requirements for Participating Candidates in a runoff election include filing campaign Disclosure Reports as follows:
  - i. beginning on the first Monday following the regular election, by 5:00 p.m. on every Monday before the run-off election candidates shall file a report of all Expenditures made and Contributions received on or before the previous Friday and not previously reported;
  - ii. beginning on the Friday before the run-off election, any Contribution or pledge to contribute that is for five hundred dollars (\$500) or more shall be reported to the City Clerk in a supplemental report on a prescribed form within twenty-four hours of receipt; and
  - iii. by 5:00 p.m. on the thirtieth day after a run-off election, a final report of all Expenditures made and Contributions not previously reported.

**7. Unopposed Participating Candidates:** An Unopposed Participating Candidate is a Participating Candidate who has been certified as a candidate by the City Clerk pursuant to §3-8-27 NMSA 1978 and who has no opponent who has been certified as a candidate on the ballot pursuant to § 3-8-27(H) NMSA 1978 and who has no write-in opponent who has been certified as a write-in candidate pursuant § 3-8-27 (L) NMSA 1978; or a certified candidate whose certified opponents and certified write-in opponents withdraw their candidacy pursuant to § 3-8-27 NMSA 1978.

- a. Notice and Payment:** At the time a Participating Candidate becomes an Unopposed Participating Candidate, the City Clerk shall give such candidate written notice that he or she is unopposed. Within three (3) working of days of the date of the notice, the Unopposed Participating Candidate shall return all funds he or she has received from the Fund, minus any legitimate Expenditures made prior to notice that the candidate is unopposed. These Expenditures include any encumbrances that were incurred prior to notice.
- b. Accounting:** The Unopposed Participating Candidate shall submit a detailed accounting of all Expenditures made or Expenditures for which the candidate is contractually obligated through the day the Participating Candidate becomes unopposed, specifying outstanding obligations. The accounting is due concurrent with the second campaign finance disclosure report required pursuant to the Election Code. Unopposed Candidates shall provide supplemental accountings at the time each subsequent campaign finance disclosure report is due, with a final accounting due no later than the date the final campaign financing disclosure report is due. Such accounting shall include any credits or refunds to which the Participating Candidate may be entitled. The refund shall include all funds not yet spent by the Participating Candidate less amounts that the Participating Candidate is contractually obligated to pay. Unopposed Participating Candidates shall pay the received credits and refunds for cancelled orders or contracts for goods and services within three (3) working days of receipt.
- c. Fundraising After Return of Funds:** Once all unencumbered funds have been returned to the Fund, and Unopposed Candidate ceases to be a Participating Candidate, and is not subject to the contribution and Expenditure limits applicable to Participating Candidates.

**8. Liquidation of Property and Equipment.** Property and equipment that is not exclusive to use in a campaign (e.g., computers and associated equipment, etc.) that has been purchased with OEEC funds loses its campaign-related purpose following the election. Such property and equipment purchased for \$50 or more must be liquidated at in an arms length transaction, and the proceeds thereof reimbursed to the OEEC Fund as unspent fund revenues in accordance with Article XVI, Section 8(C) of the City Charter. Candidates may not return unsold property or equipment to the City Clerk.

- a. The liquidation of campaign property and equipment may be done by sale to another person or purchase by the candidate.
- b. Liquidation must be at the fair market value of the property or equipment at the time of disposition. Fair market value is determined by what is fair, economic, just, equitable, and reasonable under normal market conditions based upon the value of items of similar description, age, and condition as determined by acceptable evidence of value. A campaign's sale of property or equipment through an on-line commercial auction shall be considered by the Board of Ethics as a factor in favor of determining that the campaign has recovered the fair market value of the property or equipment.
- c. If the campaign sells the property or equipment to the candidate or a member of the candidate's Immediate Family or campaign staff, the campaign must receive at least 75% of the original purchase price.

## **PART E        WITHDRAWAL OF PARTICIPATION**

**1.        Applicant Candidates:** An Applicant Candidate may withdraw as an Applicant Candidate, by filing their written withdrawal of their Declaration of Intent on the form approved by the City Clerk. Withdrawal as an Applicant Candidate must occur prior to the deadline for submitting the Application for Certification as a Participating Candidate. At the time the statement of withdrawal is submitted, the Applicant Candidate shall report all Qualifying Contributions, In-Kind Contributions and Seed Money received by the Applicant Candidate to date. Withdrawing Applicant Candidates shall also submit all Qualifying Contributions, used and unused Books and all unspent Seed Money to the City Clerk. Withdrawing Applicant Candidates shall also file all reports necessary for the returned monies. Applicant Candidates who withdraw or do not qualify as a Participating Candidate are not subject to spending limits as outlined in the OEEC if they continue as a non-Participating Candidate.

**2.        Participating Candidates:** A Participating Candidate may withdraw their participation as a publicly financed candidate up to thirty (30) days after being certified as a Participating Candidate by filing the statement of withdrawal with the City Clerk on the approved form. Withdrawn Participating Candidates may continue their campaign as a non-Participating Candidate or withdraw from a race completely as stated in OEEC § 12 (D), (E), and (G). All received monies from the Fund and corresponding reports are due to the City Clerk at the time the withdrawal is filed.

**3.        Participating Candidates who do not qualify as Candidates:** A Participating Candidate who does not qualify as a candidate pursuant to § 3-8-27 G. NMSA 1978 shall

shall deliver to the City Clerk the funds as outlined in OEEC § 12 (F) within five (5) days from the date of notice that they have not qualified as candidates. All received monies from the Fund and corresponding reports are due to the City Clerk at the time the withdrawal is filed.

**4. Use of refunded money:** The City Clerk will not redistribute funds returned to the Open and Ethical Elections Fund pursuant to this Part to other Participating Candidates in the present election cycle for the Regular Local Election. However, the City Clerk may use the returned funds to correct a distribution reduction caused by Section 14(B) of the OEEC.

Approved:

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Sarita Nair, Chief Administrative Officer

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Date

Recommended:

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Katy Duhigg, City Clerk

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Date

## **2019 GUIDANCE FROM THE ALBUQUERQUE CITY CLERK FOR THE USE OF THE CLEAN CAMPAIGN PORTAL**

**PURPOSE:** The City Clerk has established an online service, the Clean Campaign Portal (“CCP”), for members of the public to make Qualifying Contributions in support of candidates seeking Open and Ethical Election Code (“OEEC”) funding. The purpose of this guidance is to provide guidelines for candidates’ use of the CCP. All candidates using the CCP must abide by the guidance herein and any amendments thereto.

**AUTHORITY:** Section 19 of the OEEC authorizes the City Clerk to adopt rules to insure the effective administration of the OEEC and provide the public with educational materials relating to the provisions of the OEEC.

**APPLICABILITY:** This guidance applies to all 2019 candidates for the office of City Council who seek to use the CCP, and should be read in combination with the 2019 Regulations for the OEEC and the Election Code.

**EFFECTIVE DATE:** This guidance shall be effective upon the approval and signature of the City Clerk. The City Clerk shall publish this guidance on the Office of the City Clerk website.

### **PART A      DEFINITIONS**

All terms utilized herein shall have the same meaning as defined by the OEEC, unless the guidance specifically notes otherwise. This Part also contains new definitions and clarified definitions for terms contained within the OEEC.

**Applicant Candidate:** A candidate, but not a write-in candidate, running for City Council, who is seeking to be a Participating Candidate.

**Participating Candidate:** A candidate for City Council who chooses to obtain financing pursuant to the OEEC and who is certified to participate by the City Clerk.

**Person:** Any individual, cooperative association, club, corporation, company, firm, partnership, joint venture syndicate, profit or nonprofit organization, or other entity.

**Qualifying Contribution:** A donation of \$5.00 to the OEEC Fund in support of an Applicant Candidate and given pursuant to the OEEC and the OEEC Regulations. A Qualifying Contribution is not a prohibited Contribution pursuant to Article XIII Section 4 (f) of the City Charter. Qualifying Contributions in the form of checks or money orders shall contain the name of the Applicant Candidate on the face of the check or money order. Qualifying Contributions made via credit or debit card or electronically must be made through the CCP. Applicant Candidates may not accept donations in excess of \$5.00. Credit/debit card processing fees shall be deducted from the candidate’s distribution, or paid by the candidate from seed money. The City Clerk will provide the exact number of Qualifying Contributions needed for qualification as a Participating Candidate to candidates on April 15, 2019, or no later than three (3) working days

after the candidate files his/her Declaration of Intent to Seek Public Financing, whichever date comes later. OEEC §§ 3(P) and 5.

**Qualifying Period:** The timeframe in which an Applicant Candidate must receive Qualifying Contributions from a minimum of 1% of applicable registered City voters. For the 2019 Election, this timeframe is May 1 to May 31, 2019. See OEEC §§ 3(Q) and 5.

## **PART B CANDIDATE INCLUSION ON CCP**

1. All Applicant Candidates who have filed a Declaration of Intent to Seek Public Financing, have signed the Agreement Regarding Use of the Clean Campaign Portal, and who do not have any outstanding campaign finance compliance issues or fines with the Office of the City Clerk or Board of Ethics, will be included on the CCP, subject to the requirement that all candidates using the CCP must abide by the guidance herein and any amendments thereto.
2. Candidate names and photos will be included on the CCP.
  - a. The name listed must match the name listed on the Applicant Candidate's voter registration at the time of filing the Applicant Candidate's Declaration of Intent to Seek Public Financing.
  - b. Applicant Candidates may submit one (1) photo of the Applicant Candidate to be used on the CCP. Photos must be submitted to [mdiemer@cabq.gov](mailto:mdiemer@cabq.gov) by April 29, 2019, or within three (3) days of filing the Applicant Candidate's Declaration of Intent to Seek Public Financing and signing the Agreement Regarding Use of the Clean Campaign Portal, whichever date comes later.

## **PART C COLLECTION OF QUALIFYING CONTRIBUTIONS WITH CCP**

1. **Overview of Process:**
  - a. The CCP is the only allowable method for a candidate to accept electronic Qualifying Contributions. Please note that the CCP is for Qualifying Contributions only and not seed money contributions.
  - b. To make an electronic Qualifying Contribution, the contributor must select the Applicant Candidate the contributor wishes to contribute to, and provide the following information:
    - i. Contributor's first and last name as they appear on the contributor's voter registration;
    - ii. Contributor's date of birth;
    - iii. The last four (4) digits of the contributor's Social Security Number.
      1. The information sought in (i), (ii), and (iii), above, will allow the CCP to verify whether the contributor is a registered voter in the district the Applicant Candidate seeks to represent. If the contributor is not a registered voter in the district the Applicant Candidate seeks to represent, the CCP will not allow the contributor to proceed.

- c. If the contributor is verified as a registered voter in the district the Applicant Candidate seeks to represent, the contributor will proceed to the next page, where the contributor must enter the following information:
    - i. First and last name;
    - ii. Email address;
    - iii. Phone number;
    - iv. The contributor's address as it appears on the contributor's voter registration;
    - v. An affirmation that the contributor is making this contribution from the contributor's personal funds, and the contributor did not receive anything of value in exchange for the contribution;
    - vi. In the event that any Person assisted the contributor in filling out any information on the CCP, the name of the Person providing assistance;
    - vii. The contributor's billing address; and
    - viii. Credit card information.
  - d. To submit the contribution, the contributor must then press the "Complete Order" button. Once the contributor submits the contribution, the contributor, candidate, and Clerk's Office will each receive an emailed copy of the receipt documenting the Qualifying Contribution.
  - e. Checking the affirmation box and pressing the "Complete Order" button to submit the contribution must be done by the contributor and not by any other Person, subject to the exceptions listed in Part C(3)(b)(i), below.
  - f. Assistance may be provided to a contributor as detailed in Part C(3), as long as the assistance is provided in-person.
  - g. An Applicant Candidate and any Person collecting Qualifying Contributions on behalf of an Applicant Candidate may not collect the required information from the contributor by phone or any other means other than in-person contact and enter it into the CCP on behalf of the contributor.
- 2. Direct access of CCP by contributors:**
- a. An Applicant Candidate and any Person collecting qualifying contributions may provide contributors with direct links to the CCP via electronic mail, social media, campaign website, or otherwise.
  - b. Communications including a link to the CCP must contain the following clear and conspicuous statements:
    - i. The name of the Applicant Candidate;
    - ii. The Applicant Candidate is collecting Qualifying Contributions in order to obtain public funding to finance the Applicant Candidate's campaign;
    - iii. The contributor must use his or her personal funds to make the contribution; and
    - iv. The contributor must be a registered voter in the district that the Applicant Candidate is seeking to represent.
- 3. In-person collection via CCP:**
- a. An Applicant Candidate and any Person collecting Qualifying Contributions may present contributors with a device that is connected to the CCP in-person, such as a smartphone or tablet with the CCP webpage displayed.



- b.** Assistance may be provided to a contributor in using the online service, as long as the assistance is provided in person and the contributor personally checks the affirmation box and presses the “Complete Order” button to submit the contribution, subject to the exceptions listed in (b)(i), below.

    - i.** A contributor may request assistance checking the affirmation box and pressing the “Complete Order” button to submit the contribution, only if the contributor:

      - 1.** Is blind;
      - 2.** Is physically disabled;
      - 3.** Is unable to read or write; or
      - 4.** Is a member of a language minority who has an inability to read well enough to exercise the elective franchise.
- c.** A Person collecting Qualifying Contributions should never insist upon providing assistance to a contributor or provide assistance prior to a contributor requesting such assistance. The name of any Person assisting the contributor must be noted in the field asking if the contributor received any assistance.
- d.** Beyond entering the information in to the CCP at a contributor’s request, an Applicant Candidate and any Person collecting Qualifying Contributions shall not capture or store the following contributor information in any way:

  - i.** Date of birth;
  - ii.** Last four (4) digits of Social Security Number; and
  - iii.** Credit card information.

1. Is blind;
2. Is physically disabled;
3. Is unable to read or write; or
4. Is a member of a language minority who has an inability to read well enough to exercise the elective franchise.

c. A Person collecting Qualifying Contributions should never insist upon providing assistance to a contributor or provide assistance prior to a contributor requesting such assistance. The name of any Person assisting the contributor must be noted in the field asking if the contributor received any assistance.

**d.** Beyond entering the information in to the CCP at a contributor's request, an Applicant Candidate and any Person collecting Qualifying Contributions shall not capture or store the following contributor information in any way:

- i. Date of birth;
- ii. Last four (4) digits of Social Security Number; and
- iii. Credit card information.

## PART D FRAUDULENT QUALIFYING CONTRIBUTIONS

1. If the Clerk's staff reasonably believes that fraudulent Qualifying Contributions have been submitted, the staff shall undertake an investigation to determine whether the Qualifying Contributions are fraudulent. The staff may request investigative assistance from the Board of Ethics or City Attorney, or refer the matter for possible criminal prosecution. For purposes of this guidance, "fraudulent Qualifying Contributions" includes, but is not limited to, asking an individual affirm and submit payment as a contributor when the individual did not make the Qualifying Contribution, giving money or something of value to someone in exchange for making a Qualifying Contribution, making false statements in the information submitted on the CCP, checking the affirmation box and/or pressing the "Complete Order" button to submit the contribution if the contributor did not qualify for or request such assistance; capturing or storing a contributor's date of birth, last four digits of Social Security Number, or credit card information, or failing to disclose the name of any Person providing assistance. Fraudulent Qualifying Contributions must be rejected and may constitute violations of the OEEC and Election Code.

## PART E TRAINING

1. Applicant Candidates are responsible for ensuring that their campaigns are familiar with this guidance. This should include, at a minimum:
  - a. Training Persons who will be collecting Qualifying Contributions; and



- b. Responding appropriately when fraudulent qualifying contributions have been collected through investigating the extent of the error or fraud and taking remedial action to avoid risk of future error or fraud.

## **PART F CREDIT CARD PROCESSING FEES**

1. Credit/debit card processing fees shall be deducted from the Participating Candidate's distribution, or paid by the Applicant Candidate from seed money.
2. In the event that an Applicant Candidate becomes a privately financed candidate, any outstanding processing fees must be paid from the candidate's campaign funds.
3. In the event that an Applicant Candidate ceases to be a candidate, any outstanding processing fees must be paid from the Applicant Candidate's seed money prior to withdrawal as a candidate.
4. Prior to withdrawing as a candidate, an Applicant Candidate may petition the Clerk for waiver of the outstanding processing fees. Such petition must include, but is not limited to, the amount of outstanding processing fees, the amount of seed money on hand, and an explanation of why the candidate has not paid the processing fees before this point, and why the candidate is requesting waiver.
5. Individuals who do not pay their processing fees, and do not obtain a waiver of those fees from the Clerk, will not be placed on any future City of Albuquerque ballot until the debts are resolved.

## **PART G AMENDMENTS TO GUIDANCE**

1. From time to time, this guidance may be amended. In the event of amendment, all Applicant Candidates on the CCP will be notified of the amendment and will be given a reasonable period for voluntary compliance with any changes made.
2. In the event that an Applicant Candidate does not voluntarily comply with amendments by the deadline set by the Clerk, the Applicant Candidate will be removed from the CCP.

Approved:

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Katy Duhigg, City Clerk

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Date

## **2019 GUIDANCE FROM THE ALBUQUERQUE CITY CLERK REGARDING RETURNS OF SEED MONEY**

**PURPOSE:** The City Charter limits individual Seed Money contributions to \$100 per person and no more than \$500 of the Applicant Candidate's own money. The Charter further limits cumulative Seed Money contributions to 10% of the Applicable Spending Limit, and specifies that Seed Money may be raised only during the Exploratory and Qualifying Periods. In order to abide by these limitations, Applicant and Participating Candidates need to follow a standard procedure for refunding Seed Money contributions that violate any of the Seed Money limitations in the Charter. This Guidance provides that standard procedure. All Applicant and Participating Candidates using must abide by the guidance herein and any amendments thereto.

**AUTHORITY:** Section 19 of the OEEC authorizes the City Clerk to adopt rules to insure the effective administration of the OEEC and provide the public with educational materials relating to the provisions of the OEEC.

**APPLICABILITY:** This guidance applies to all 2019 candidates for the office of City Council who seek are seeking public financing, and should be read in combination with the 2019 Regulations for the OEEC and the Election Code.

**EFFECTIVE DATE:** This guidance shall be effective upon the approval and signature of the City Clerk. The City Clerk shall publish this guidance on the Office of the City Clerk website.

### **PART A      DEFINITIONS**

All terms utilized herein shall have the same meaning as defined by the OEEC, unless the guidance specifically notes otherwise. This Part also contains new definitions and clarified definitions for terms contained within the OEEC.

**Applicable Spending Limit:** For a Regular Local Election, an amount that is equal to the total revenue distributed to the Participating Candidate from the Fund. The Applicable Spending Limit for a runoff election means only the total revenue distributed to the Participating Candidate for a run-off from the Fund. See OEEC §§ 3(R), 6(C) and (E), 12 (B) and (C), 14, and 15.

**Applicant Candidate:** A candidate, but not a write-in candidate, running for City Council, who is seeking to be a Participating Candidate.

**Exploratory Period:** For City Council candidates, the Exploratory Period is from March 15<sup>th</sup> through April 30<sup>th</sup> of the year in which a City Council election is held. OEEC § 3(G).

**Participating Candidate:** A candidate for City Council who chooses to obtain financing pursuant to the OEEC and who is certified to participate by the City Clerk.

**Person:** Any individual, cooperative association, club, corporation, company, firm, partnership, joint venture syndicate, profit or nonprofit organization, or other entity.

**Qualifying Period:** The timeframe in which an Applicant Candidate must receive Qualifying Contributions from a minimum of 1% of applicable registered City voters. For the 2019 Election, this timeframe is May 1 to May 31, 2019. See OEEC §§ 3(Q) and 5.

**Seed Money:** Cumulative Contributions received by an Applicant Candidate of no more than \$100 per person and no more than \$500 of the Applicant Candidate's own money raised for the primary purpose of enabling the Applicant Candidate to collect Qualifying Contributions and petition signatures. Seed Money may not exceed 10% of the Applicable Spending Limit and may be raised only during the Exploratory and Qualifying Periods. See OEEC §§3(R) and 6.

## **PART B RETURN OF CONTRIBUTIONS NOT IN COMPLIANCE WITH SEED MONEY RESTRICTIONS**

1. Applicant and Participating Candidates are responsible for monitoring Seed Money contributions to ensure that they do not exceed the Seed Money per donor restriction or exceed the cumulative amount restriction, and to ensure that the Seed Money contributions are not made outside of the Exploratory or Qualifying Periods.
2. Within 48 hours of learning that a Seed Money contribution exceeds the Seed Money per donor restriction, exceeds the cumulative amount restriction, and/or was made outside of the Exploratory or Qualifying Periods, an Applicant or Participating Candidate must return the contribution to the contributor and may not otherwise use the contribution.
3. Within 48 hours of returning a Seed Money to a contributor, an Applicant or Participating Candidate must send documentation of the return, including all information specified in Part C, below, to the Office of the City Clerk at [mdiemer@cabq.gov](mailto:mdiemer@cabq.gov).

## **PART C REPORTING RETURNED SEED MONEY**

1. All returned Seed Money must be documented by the Applicant or Participating Candidate. Each Applicant or Participating Candidate or the candidate's treasurer shall keep financial records of the campaign for a period of one (1) year following the date of election, including documentation regarding returns of Seed Money, to assure their availability in the event of complaint or inquiry by the Board of Ethics or City Clerk.
2. For the 2019 Local Election only, Applicant or Participating Candidates should not enter returned Seed Money contributions in to their campaign finance reports.
  - a. If an Applicant or Participating Candidate has filed reports for the 2019 Local Election that contain documentation of returned Seed Money, amended reports should be filed prior to June 10, 2019.
  - b. The amended report should delete all references to the returned contribution. The returned contribution should not be designated as a contribution, an expenditure, or otherwise.
4. Within 48 hours of a campaign returning a contribution, the following information must be documented, and sent to the Office of the City Clerk at [mdiemer@cabq.gov](mailto:mdiemer@cabq.gov):
  - a. The date the contribution was received;
  - b. The amount of the contribution, and the cumulative value of all contributions contributed by the contributor;

- c. When the contributor is an individual, the name of the contributor, the contributor's principal business or occupation, the name and address of the contributor's employer, if self-employed, the address of the contributor's business, and the nature of the contributor's or the contributor's employer's business. If the contributor is retired or not employed, the residential address of the contributor shall be disclosed. When the contributor is an entity other than an individual, the name and address of the contributor, the business or activities conducted by the contributor and the owners and managers of the contributor;
- d. The reason the contribution is being returned (i.e., exceeds the Seed Money per donor restriction, exceeds the cumulative amount restriction, and/or was made outside of the Exploratory or Qualifying Periods);
- e. The date the contribution was returned;
- f. The method by which the contribution was returned (i.e., uncashed check returned to contributor, etc.); and
- g. A copy of any correspondence with the contributor regarding the return of the contribution.

## **PART D CASE-BY-CASE EXCEPTION**

1. An Applicant or Participating Candidate who has accepted contributions that do not comply with Seed Money restrictions may petition the City Clerk to remain eligible for certification as a Participating Candidate. The City Clerk may approve the petition and restore an Applicant or Participating Candidate's eligibility for certification if the an Applicant or Participating Candidate successfully establishes all of the following criteria:
  - a. the failure to comply was the result of an unintentional error;
  - b. the Applicant or Participating Candidate promptly returned all contributions that did not comply with Seed Money restrictions;
  - c. the Applicant or Participating Candidate petitioned the City Clerk promptly upon becoming aware of the unintentional error; and
  - d. the failure to comply did not involve expenditures by the Applicant or Participating Candidate, did not involve contributions significantly in excess of Seed Money total amount restrictions, and did not otherwise constitute systematic or significant infractions of Seed Money restrictions.

## **PART E TRAINING**

1. Applicant and Participating Candidates are responsible for ensuring that their campaigns are familiar with this guidance. This should include, at a minimum:
  - a. Training Persons who will be collecting Seed Money; and
  - b. Responding appropriately when improper Seed Money contributions have been collected through investigating the extent of the error and taking remedial action to avoid risk of future error.

## **PART F AMENDMENTS TO GUIDANCE**

1. From time to time, this guidance may be amended. In the event of amendment, all Applicant and Participating Candidates will be notified of the amendment and will be given a reasonable period for voluntary compliance with any changes made.
2. In the event that an Applicant or Participating Candidate does not voluntarily comply with amendments by the deadline set by the Clerk, the Applicant or Participating Candidate may lose their eligibility for certification as a publically financed candidate.

Approved:

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Katy Duhigg, City Clerk

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Date

**Campaign Finance System  
Electronic Data Interchange  
Spreadsheet Reporting Specification**

**Version 1.2**

**Dated 3/7/2019**

**Office of the City Clerk  
City of Albuquerque**

Effective August, 2014

## History of Changes

[illegible]

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## **OVERVIEW**

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This document details how to build a Campaign Finance report data file using an Excel spreadsheet in order to submit campaign finance data using Electronic Data Interchange (EDI) to the Albuquerque City Clerk. This document is written for committees and vendors who wish to create a software package to allow submission of contribution, expenditure, loan & debt data electronically with the Clerk's Office without having to re-type the information into the Campaign Finance web application.

With each of the line items submitted (contributions, expenditures, loans, loan payments, debts, debt payments contribution returns, and expenditure returns), it is required that you include an external reference ID, the alphanumeric identifier your system attaches to each line item. It needs to be a unique ID in your system and the value must be unique for each transaction submitted. Error reports will use this reference ID to match an error to a specific line item within your data file. In addition, the reference ID enables the system to detect and avoid adding duplicate records in the event duplicate reference IDs are included in more than one file upload, or a file is inadvertently uploaded twice.

You are also encouraged to use a similar type of unique identifier for your contributors and your expenditure payees. This will enable the system audit process to be more accurate and ultimately be more helpful to you.

## **IMPORTED FILES**

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### **What does the import file contain?**

You will be electronically submitting only the line item records of contributions, expenditures, loans, loan payments, debts, debt payments, contribution returns, and expenditure returns. Summary totals are not included. The system calculates summary totals, based on the line items submitted. This is done at the time you log into the system to file your report for a reporting period.

### **When can files be imported?**

These items (your contributions, expenditures, loans, loan payments, debts, debt payments, contribution returns, and expenditure returns) can be submitted at any time during the current reporting period. You may choose to submit all at one time, or submit items periodically during the current reporting period. **NOTE: Items submitted (imported), but not yet filed, are only viewable by the committee submitting the items and the Clerks staff. The items are not viewable by the public until filed by your committee.**

### **How do the reported items get filed?**

When you are ready to file the report for a specific reporting period, you will need to log into the system and go to the Candidate/Committee Overview page or the Filings Menu. At the time you file your report, the system will create a filing report dynamically and calculate all totals based on the items you have submitted electronically or entered online. You will be able to preview the report before final filing submission.

### **What is the format of the import file?**

An import file may contain any combination of contributions, expenditures, loans, loan payments, debts, debt payments, contribution returns, and expenditure returns. It will consist of an Excel spreadsheet with twelve (12) worksheets.

### **Can a committee undo a submitted file?**

It is possible to undo an entire submitted file. Line items from that imported file will be deleted from the database as long as:

- The item has not been included on a filed report.
- The item does not have other records associated to it from other import files.

If individual items need to be bypassed for the above reasons, and do not get automatically removed, you will need to log into the system and delete them individually.

## DATA TYPES

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This section describes the data types acceptable to the Campaign Finance System import program.

- Char(n). This is a character field. Any field listed as character can have any alphanumeric information as well as punctuation. Maximum lengths are in parenthesis. Please be aware that use of lowercase alpha information will be converted to uppercase alpha information. Note that this field cannot have the backslash (\) character or any line feed characters such as a Return.
- Integer. Only digits are allowed in this type of field.
- Date. Please format all user entered dates as MM/DD/YYYY.
- DateTime. Please format all user entered datetimes as MM/DD/YYYY HH:MM:SS.
- Money. A positive currency amount, which should be specified without a dollar sign. The decimal is optional for whole dollars. If there is a decimal, there should always be at least one digit to the left of the decimal, even if the amount is a fraction of a dollar (this is the only case in which leading zeros are advocated). Valid examples: 5.01, 0.25, 25.7, 43. Invalid examples: 3.731, \$5.25, .75.
- Decimal. Behaves like the money data type, but the number of digits to the right of the decimal may be more than two. Example: interest rate in the LOAN element. 4.5% should be entered as 4.5. A rate of 6 and 7/8% would be entered as 6.875.

## FILE NAMING

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There are no specific file naming requirements to submit your data using an Excel spreadsheet; however it is critical the worksheet names match the descriptions below exactly and the column headings not be changed. The file extension of the file must be .xls or .xlsx.

There are twelve (12) worksheets that can be produced for submitting information. The twelve worksheets are:

- control - Contains authentication information. There is one record only in this file.

- contribution - Contains contributions and/or donations
- contributionReturn - Contains contribution returns made.
- expenditure – Contains expenditures.
- assocCandidate – Contains specific candidate information when a contribution or expenditure is marked in support of or opposition to a candidate.
- assocBallotMeasure – Contains specific Ballot Measure information when a contribution or expenditure is marked in support of or opposition to a Ballot Measure.
- expenditureReturn - Contains expenditure returns made.
- loan - Contains new loans received.
- loanPayment - Contains loan payments made.
- loanForgive – Contains loan forgiven amounts
- debt – Contains new debts incurred
- debtPayment – Contains debt payments made.

## **SPREADSHEET RECORD OCCURRENCES**

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The Spreadsheet contains twelve (12) worksheets. These twelve worksheets are named as follows:

<b>Worksheet Name</b>
control
contribution
contributionReturn
expenditure
assocCandidate
assocBallotMeasure
expenditureReturn
loan
loanPayment
loanForgive
debt
debtPayment

Each worksheet has a set of columns with column headers. *It is imperative that the column heading names and the worksheet names **not** be changed.*

The only worksheet that requires data is the “Control” worksheet. If a particular worksheet does not have data to be uploaded, the worksheet **must** remain in the spreadsheet without data.

## **OVERVIEW/LEGEND TO TABLES**

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In the following tables, in the ‘Format’ column for each Column Data Element, please pay attention to ‘not null’. If a field is designated as ‘not null’, that field is required and must have a value. The omission of values for ‘not null’ fields will be cause for data rejection.

The ‘Description’ column and any ‘Notes’ following an element table indicates which items are required and which items use Code Table values.

### The control Worksheet

Column	Format	Description
committeeld	char(11) not null	This is your 11 character committee ID or Key assigned by the Campaign Finance system. The committee ID or Key in the control worksheet must match the committee that is logged in at the time the upload is submitted. <b>Required.</b> The committee ID or Key can be located on the Committee Administration page under Committee Information.
committeeName	char(100) not null	Committee full name. <b>Required</b>
fileCreateDateTime	Date Time not null	Date file was created, time in 24 hour notation. Format mm/dd/yyyy hh:mm:ss. <b>Required</b>
description	char(100) not null	Description of this upload file. <b>Required</b> The description is used to identify the upload file in the email confirmation sent back to the filer, as well as in the system imported File History data grid. It can be any text meaningful to you to help identify an individual upload file.

### The contribution Worksheet

Column	Format	Description
contributionID	char(30) not null	This is your committee's unique external reference ID for this contribution record. Each contribution record must have its own unique identification number. <b>Required</b>
cbContributionType	char(2) not null	This is the type of Contribution. See Code Table section for valid values. <b>Required</b>
cbDate	date not null	Contribution date. Date of contribution to committee. <b>Required</b>

Column	Format	Description
cbAfter5	char(1) (Y)es	<p><b>For Candidate Committees Only</b></p> <p><del>(Y)es if the contribution occurred after 5:00 PM on the Tuesday before an election (Regular, Special or Runoff) and is for \$250 or more for City Council candidates, or for \$500 or more for Mayoral candidates.</del></p> <p>This requirement is no longer being used. It will be removed later in the year, for now it is still a required element in the file, and can be left blank.</p>
cbAmount	money not null	Contribution amount. Must be a valid dollar amount greater than 0.00. <b>Required</b>
cbDescription	char(100) not null	Contribution Description. <b>Required</b>
cbAnonymousRecipientDisposal	char(100)	Recipient of Anonymous Contribution and Description of way in which Anonymous Contribution was disposed.
cbDisposalDate	date	Date of disposal for Anonymous Contributions.
cbContributorType	char(2)	This is the type of Contributor. See Code Table section for valid values.
cbOrgID	char(11)	<p>The Committee Organization ID or Key in the Campaign Finance system of the contributor if the contributor is a registered committee in the City of Albuquerque. <i>For instructions on how to obtain cbOrgID see information in Contribution Notes: <a href="#">How to Obtain cbOrgID</a>.</i></p> <p><b>Required if</b> cbContributorType is Candidate or Measure Finance Committee</p> <p>Otherwise null (blank). Optional (See Notes)</p>
cbOrgName	char(100)	<p>The Organization name of the contributor is <b>Required if</b> the contribution is from a Business or Group. If contribution is from a Candidate or Measure Finance Committee use cbOrgID in place of cbOrgName.</p>

Column	Format	Description
cbContributorID	char(30)	This is your optional external ID for the contributor. It is <b>highly recommended</b> you use this to uniquely identify your contributors. The external ID you assign this contributor should be used each time this contributor contributes to your committee. This will reduce the possibility of having duplicate contributor records for the same contributor. <u><i>If a contributor also happens to be an payee on an expenditure or a source on any loan or debt records, you should use the same ID in all instances.</i></u>
cbFirstName	char(100)	The contributor's first name. <b>Required if</b> cbContributorType is "Individual" and cbOrgID is null.
cbMiddleName	char(100)	The contributor's middle name if the contributor is an individual. Optional.
cbLastName	char(100)	The contributor's last name. <b>Required if</b> cbContributorType is "Individual" and cbOrgID is null.
cbNameSuffix	char(15)	The contributor's name suffix if the contributor is an individual. Optional
cbAddress1	char(50)	Contributor Employer's address line 1. <b>Required if</b> cbOrgID is null. <i>(If the Individual does not have a separate employer, use personal address)</i>
cbAddress2	char(50)	Contributor Employer's address line 2. Optional
cbCity	char(30)	Contributor Employer's city. <b>Required if</b> cbOrgID is null.
cbState	char(2)	Contributor Employer's state abbreviation. <b>Required if</b> cbOrgID is null.
cbZip	char(5)	Contributor Employer's zip code. <b>Required if</b> cbOrgID is null.
cbEmployer	char(100)	Contributor's employer name. <b>Required if</b> cbContributorType is "Individual" and cbOrgID is null.
cbOccupation	char(2)	Contributor's Occupation or Industry. <b>Required if</b> cbContributorType is "Individual" and cbOrgID is null. See Code Table section for valid values.



Column	Format	Description
cbOccupationOther	char(100)	If <b>cbOccupation</b> = 99 (Other) then <b>cbOccupationOther</b> (Description) is <b>Required</b> if cbOrgID is null.
cbOwnerMgr	Char(100)	Contributor's Business Owner or Manager. <b>Required</b> if cbContributorType is "Business/Group" and cbOrgID is null.
cbBusActivities	Char(100)	Contributor's Business or Activities. <b>Required</b> if cbContributorType is "Business/Group" and cbOrgID is null.
cbSuppOppCan	char(1) (Y)es	<b>For Measure Finance Committees Only.</b> (Y)es if the contribution is to Support or Oppose a Candidate. (Y)es will also require additional information in the <b>assocCandidate</b> worksheet. <i>If not a Measure Finance Committee anything in this field will be ignored.</i> <b>Required</b> if cbSuppOppBallotMeas is null.
cbSuppOppBallotMeas	char(1) (Y)es	<b>For Measure Finance Committees Only.</b> (Y)es if the contribution is to Support or Oppose a Ballot Measure. (Y)es will also require additional information in the <b>assocBallotMeasure</b> worksheet. <i>If not a Measure Finance Committee anything in this field will be ignored.</i> <b>Required</b> if cbSuppCan is null.

## **Contribution Notes:**

*If there are no contributions leave the contribution Worksheet blank.*

### **cbAfter5:**

#### **NOTE: For Candidate Committees only**

~~(Y)es if contribution was incurred after 5:00 PM on the Tuesday before an Election. (Regular Election, Special Election or Runoff Election) and the transaction is for \$250.00 or more for City Council Candidates or for \$500.00 or more for Mayoral Candidates. This requirement is no longer being used. It will be removed later in the year, for now it is still a required element in the file, and can be left blank.~~

### **cbDescription:**

Contribution Description is required for all Contributions.

### **cbAnonymousReceiptDisposal and cbDisposalDate:**

Anonymous Contribution Details, Recipient and method of disposal as well as Date of Disposition are required if Contribution Type is “Anonymous”.

### **cbContributorType:**

Contributor Type is required for both Monetary and In-Kind Contributions. It is NOT Required for Anonymous Contributions.

**cbOrgID:** This is the Committee Organization ID or Key in the Campaign Finance system of the Contributor, if the contributor is a registered Candidate or Measure Finance Committee in the city of Albuquerque.

**Required if** cbContributorType = 03 Candidate or 04 Measure Finance Committee.

***NOTE:** If the contributor is a Registered Candidate or Measure Finance Committee in the city of Albuquerque, you are required to use their **cbOrgID** in the cbOrgID column. This will eliminate the necessity to include any of the individual fields that pertain to the contributor. Organization Name if contributor is an Organization, Contributor First, Middle & Last Name if an Individual, all address fields, as well as all employment information and business information, can be left blank. The cbOrgID information may be retrieved from the [Export Organization List](#) link found on the Committee Administration page under the Import Data File section.*

**cbContributorID:** This is your external reference ID for the contributor. This is optional but **highly recommended** to uniquely identify your contributors. It allows for more thorough validation, because the system can use it to identify prior contributions from the same contributor. The external ID you assign this contributor should be used each time this contributor contributes to your committee. This will reduce the possibility of having duplicate contributor

records for the same contributor. *If a contributor also happens to be a payee on an expenditure or a source on any loan or debt records, you should use the same ID in all instances.*

**cbOrgName, cbAddress1, cbCity, cbState, cbZip, cbOwnerMgr, and cbBusActivities:** (Use Contributor Employer's Address. If the individual does not have a separate employer, use personal address). The Contributor's Organization Name, Address1, City, State, Zip, Owner/Manager and Business Activities of the Contributor are **required** if the cbContributionType is Monetary or In-Kind and Contributor Type "Business/Group" and **cbOrgID is null**. *If the contribution is from a registered Measure Finance Committee use cbOrgID in place of this information.*

**cbFirstName, cbLastName, cbAddress1, cbCity, cbState and cbZip,:** The Contributor's First Name, Last Name, Address 1, City, State, Zip, are **required** if cbContributionType is Monetary or In-Kind and Contributor Type is "Individual" and **cbOrgID is null**. *If the contribution is from a registered Candidate use cbOrgID in place of this information.*

**cbEmployer and cbOccupation:**  
Contributor's Employer **and** Occupation or Industry are **required** if Contribution Type is Monetary or In-Kind and Contributor Type is "Individual" and **cbOrgID is null**.

**cbOccupationOther:**  
Contributor's Other Occupation is required when Contributor Type is "Individual" and cbOccupation is "Other" **and cbOrgID is null**.

**cbOwnerMgr and cbBusActivities:**  
Contributor's Owner/Manager and Business/Activities are **required** if Contribution Type is Monetary or In-Kind and Contributor Type is "Business/Group" **and cbOrgID is null**.

**NOTE: For Measure Finance Committees only**

*All Contributions must be either in Support of or Opposition to an individual candidate or in Support of or Opposition to a specific Ballot Measure.  
Either cbSuppOppCan or cbSuppOppBallotMeasure is required for all contributions.*

**cbSuppOppCan - Valid for "Measure Finance Committees" only.**  
(Y)es is required if the contribution is to Support or Oppose a Candidate.

(Y)es will also require additional information in the **assocCandidate** worksheet.  
*If not a Measure Finance Committee anything in this field will be ignored.*

**cbSuppOppBallotMeas – Valid for “Measure Finance Committees” only.**

(Y)es is required if the contribution is to Support or Oppose a Ballot Measure.

(Y)es will also require additional information in the **assocBallotMeasure** worksheet. *If not a Measure Finance Committee anything in this field will be ignored.*

### **How To Obtain cbOrgID**

From the Committee Administration page, scroll down to the Import Data File section. You will find a link “[Export Organization List](#)”. Clicking on this link will open an excel spread sheet of all the active Candidates and Committees with their OrgID. This list should be used to look up values for the following columns or elements:

- “cnOrgID” in the “assocCandidate” worksheet or element
- “cbOrgID” in the “contribution” worksheet or element
- “exOrgID” in the “expenditure” worksheet or element
- “lnSourceOrgID” in the “loan” worksheet or element
- “dbOrgID” in the “debt” worksheet or element

## The contributionReturn Worksheet

Column	Format	Description
contributionReturnID	char(30) not null	This is your committee's unique external reference ID for the contribution return record. Each contribution return record must have its own unique identification number. <b>Required</b>
contributionID	char(30) not null	This is the external reference ID assigned to the <u>original contribution record</u> . It is required, so that the returned contribution can be properly related to the original contribution. <b>Required</b>
crDate	date not null	Date of return. <b>Required</b>
crAmount	money not null	Amount being returned. <b>Required</b>
crExplanation	char(100) not null	Explanation of why the Contribution was returned. <b>Required</b>

### **contributionReturn Notes:**

*If there are no contribution returns leave the contributionReturn Worksheet blank.*

## The expenditure Worksheet

Column	Format	Description
expenditureID	char(30) not null	This is your committee's unique external reference ID for this expenditure record. Each expenditure record must have its own unique identification number. <b>Required</b>
exExpenditureType	char(2) not null	This is the Type of Expenditure. See Code Table section for valid values. <b>Required</b>
exFundsDispo	char(2)	<b>Required if</b> exExpenditureType is "Disposition of Funds". See Code Table section for valid values.
exDate	date not null	Expenditure date. Date of expenditure. <b>Required</b>
exAfter5	char(1) (Y)es	<b>For Candidate Committees Only</b> <del>(Y)es if the expenditure occurred after 5:00 PM on the Tuesday before an election (Regular, Special or Runoff) and is for \$250 or more for City Council candidates, or for \$500 or more for Mayoral candidates.</del>  This requirement is no longer being used. It will be removed later in the year, for now it is still a required element in the file, and can be left blank.
exAmount	money not null	Expenditure amount. Must be a valid dollar amount greater than 0.00. <b>Required</b>
exDescription	char(100)	<b>For Candidate Committee's Only</b> Description of the Expenditure – <b>Required</b>
exPurpose	char(3) not null	This is the Purpose of the Expenditure. See Code Table section for valid values. <b>Required</b>
exPayeeID	char(30)	Your optional external ID for the payee. It is <b>highly recommended</b> you use this to uniquely identify your payees. The external ID you assign this payee should be used each time this payee is used. This will reduce the possibility of having duplicate payee records for the same payee. <u><i>If a payee also happens to be a contributor on a contribution or a source on any loan or debt records, you should use the same ID in all instances.</i></u> See Note section.
exPayeeType	char(2) not null	This is the Type of Payee. See Code Table section for valid values. <b>Required</b>

Column	Format	Description
exOrgID	char(11)	The Candidate or Committee Organization ID or Key in the Campaign Finance system of the payee if the payee is a registered Candidate or Measure Finance Committee in the City of Albuquerque.  <b>Required if</b> exPayeeType is Candidate or Measure Finance Committee  <i>For instructions on how to obtain exOrgID see information in Expenditure Notes: <a href="#">How to Obtain exOrgID</a>. Otherwise null (blank).</i>
exOrgName	char(100)	This is the payee organization name. <b>Required</b> if the exPayeeType is Business/Group and exPayeeID is null.
exFirstName	char(100)	Payee first name. <b>Required if</b> the exPayeeType is "Individual" and exOrgID is null.
exMiddleName	char(100)	Payee middle name. Optional if the exPayeeType is "Individual".
exLastName	char(100)	Payee last name. <b>Required if</b> the exPayeeType is "Individual" and exOrgID is null.
exNameSuffix	char(15)	Payee name suffix. Optional if the exPayeeType is "Individual".
exAddress1	char(50)	Payee Employer's address line 1. <b>Required if</b> exOrgID is null. <i>(If the individual does not have a separate employer, use personal address)</i>
exAddress2	char(50)	Payee Employer's address line 2. Optional
exCity	char(30)	Payee Employer's city. <b>Required if</b> exOrgID is null.
exState	char(2)	Payee Employer's state abbreviation. <b>Required if</b> exOrgID is null.
exZip	char(5)	Payee Employer's zip code. <b>Required if</b> exOrgID is null.
exEmployer	char(100)	Payee's employer name. <b>Required if</b> the exPayeeType is "Individual" and exOrgID is null.
exOccupation	char(2)	Payee's Occupation or Industry. <b>Required if</b> the exPayeeType is "Individual" and exOrgID is null. See Code Table section for valid values.

Column	Format	Description
exOccupationOther	char(100)	If <b>exOccupation</b> = 99 (Other) then <b>exOccupationOther</b> (Description) is required.
exOwnerMgr	char(100)	Business Owner or Manager of Business or Group. <b>Required</b> if cbContributorType is "Business/Group" and exOrgID is null.
exBusActivities	char(100)	Business Activities of Business or Group. <b>Required</b> if cbContributorType is "Business/Group" and exOrgID is null.
exSuppOppCan	char (1) (Y)es	<p><b>For Measure Finance Committees Only</b></p> <p><b>Either exSuppOppCan or exSuppOppBallotMeas is REQUIRED.</b></p> <p>(Y)es if the expenditure is to Support or Oppose a Candidate.</p> <p>(Y)es will also require additional information in the <b>assocCandidate</b> worksheet.</p> <p><i>If not a Measure Finance Committee anything in this field will be ignored.</i></p>
exSuppOppBallotMeas	char(1) (Y)es	<p><b>For Measure Finance Committees Only</b></p> <p><b>Either exSuppOppBallotMeas or exSuppOppCan is REQUIRED.</b></p> <p>(Y)es if the expenditure is to Support or Oppose a Ballot Measure</p> <p>(Y)es will also require additional information in the <b>assocBallotQuestion</b> worksheet.</p> <p><i>If not a Ballot Measure Committee anything in this field will be ignored.</i></p>



## **Expenditure Notes**

*If there are no expenditures leave the expenditure Worksheet blank.*

### **exFundsDispo:**

Disposition of funds is required if Expenditure Type = 02 Disposition of Funds

### **exAfter5:**

#### **NOTE: For Candidate Committees only**

~~(Y)es if expenditure was incurred after 5:00 PM on the Tuesday before an Election. (Regular Election, Special Election or Runoff Election) and the transaction is for \$250.00 or more for City Council Candidates or for \$500.00 or more for Mayoral Candidates.~~ This requirement is no longer being used. It will be removed later in the year, for now it is still a required element in the file, and can be left blank.

### **exDescription:**

Expenditure Description is required for all Expenditures.

### **exOrgID:**

This is the Committee Organization ID or Key in the Campaign Finance system of the payee if the payee is a registered Candidate or Measure Finance Committee in the city of Albuquerque.

**Required if** exPayeeType = 03 Candidate or 04 Measure Finance Committee.

***NOTE:** If the payee is a Registered Candidate or Measure Finance Committee in the city of Albuquerque, you are required to use their **exOrgID** in the exOrgID column. This will eliminate the necessity to include any of the individual fields that pertain to the payee. Organization Name if payee is an Organization, Payee First, Middle & Last Name if an Individual, all address fields, as well as all employment information and business information, can be left blank. The exOrgID information may be retrieved from the Export Organization List link found on the Committee Administration page under the Import Data File section.*

### **exPayeeID:**

This is your external reference ID for the payee. This is optional but **highly recommended** to uniquely identify your payees. The external ID you assign this payee should be used each time this payee is used. This will reduce the possibility of having duplicate payee records for the same payee. *If a payee also happens to be a contributor on a contribution or a source on any loan or debt records, you should use the same ID in all instances.*

**exOrgName, exAddress1, exAddress2, exCity, exState, exZip, exOwnerMgr, exBusActivities:** Organization Name, Address1, City, State, Zip, Owner/Manager, Business/Activities of the Payee are **required if** Payee

Type is “Business/Group” and exOrgID is null. *If the expenditure is to a registered Measure Finance Committee use exOrgID in place of this information.*

**exFirstName, exLastName, exAddress1, exCity, exState, exZip**  
**exEmployer, exOccupation:** Individual First & Last Name, Address 1, City, State, Zip, Employer & Occupation are **required** if Payee Type is “Individual” and exOrgID is null. (Use Payee Employer’s Address. If the individual does not have a separate employer, use personal address). *If the expenditure is to a registered Candidate use exOrgID in place of this information.*

**exEmployer and exOccupation:**

The Payee’s Employer and Occupation or Industry are **required** if Payee Type is “Individual” and exOrgID is null.

**exOccupationOther**

The Payee’s Other Occupation is **required** if Payee Type is “Individual” and cbOccupation is “Other”.

**exOwnerMgr and exBusActivities**

The Payee’s Owner/Manager and Business/Activities are **required** if Payee Type is “Business/Group” and exOrgID is null.

**NOTE: For Measure Finance Committees only**

*All Expenditures must be either in Support of or Opposition to an individual candidate or in Support of or Opposition to a specific Ballot Measure.*

*Either exSuppOppCan or exSuppOppBallotMeasure is required for all expenditures.*

**exSuppOppCan - Valid for “Measure Finance Committees” only.**

(Y)es is required if the expenditure is to Support or Oppose a Candidate.

(Y)es will also require additional information in the **assocCandidate** worksheet.

*If not a Measure Finance Committee anything in this field will be ignored.*

**exSuppOppBallotMeas – Valid for “Measure Finance Committees” only.**

(Y)es is required if the expenditure is to Support or Oppose a Ballot Measure.

(Y)es will also require additional information in the **assocBallotMeasure** worksheet. *If not a Measure Finance Committee anything in this field will be ignored.*

## **How To Obtain exOrgID**

From the Committee Administration page, scroll down to the Import Data File section. You will find a link “[Export Organization List](#)”. Clicking on this link will open an excel spread sheet of all the active Candidates and Committees with their OrgID. This list should be used to look up values for the following columns or elements:

- “cnOrgID” in the “assocCandidate” worksheet or element
- “cbOrgID” in the “contribution” worksheet or element
- “exOrgID” in the “expenditure” worksheet or element
- “lnSourceOrgID” in the “loan” worksheet or element
- “dbOrgID” in the “debt” worksheet or element

The assocCandidate Worksheet

Column	Format	Description
assocCandidateID	char(30) not null	This is the unique external reference ID for the Associated Candidate record. Each individual candidate record must have its own unique identification number. <b>Required</b> if the original contribution or expenditure was to Support or Oppose a Candidate.
contributionID	char(30)	This is the committee's unique external reference ID you <u>assigned to the original contribution record</u> . <b>Required</b> if the contribution was to Support or Oppose a Candidate.
expenditureID	char(30)	This is the committee's unique external reference ID you <u>assigned to the original expenditure record</u> . <b>Required</b> if the expenditure was to Support or Oppose a Candidate.
cnOrgID	char(100) not null	Organization ID of the Candidate that is Supported or Opposed on the contribution or expenditure. <b>Required</b>  <i>For instructions on how to obtain cnOrgID see information in Associated Candidate Notes: <u>How to Obtain cnOrgID</u>.</i>
cnAmount	money not null	Amount spent in Support of or Opposition to the individual Candidate. <b>Required</b>
cnSuppOpp	char(1) (S)upport (O)ppose not null	(S)upport if the Contribution or Expenditure, was in support of the Candidate. (O)ppose if the Contribution or Expenditure was in opposition to the Candidate. <b>Required</b>

## **Associated Candidate Notes**

### **For Measure Finance Committees Only**

**Required if** cnSuppOppCan or exSuppOppCan is (Y)es.

**Candidate Committees** - *leave the assocCandidate Worksheet blank.*

***NOTE:** If the contribution or expenditure is to Support or Oppose a candidate. That Candidate must be a registered Candidate in the city of Albuquerque, and the Candidate's cnOrgID must be used in place of the Candidate's Name and Address. The cnOrgID information may be retrieved from the Export Organization List link found on the Committee Administration page under the Import Data File section.*

## **How To Obtain cnOrgID**

From the Committee Administration page, scroll down to the Import Data File section. You will find a link "Export Organization List". Clicking on this link will open an excel spread sheet of all the active Candidates and Committees with their OrgID. This list should be used to look up values for the following columns or elements:

- "cnOrgID" in the "assocCandidate" worksheet or element
- "cbOrgID" in the "contribution" worksheet or element
- "exOrgID" in the "expenditure" worksheet or element
- "lnSourceOrgID" in the "loan" worksheet or element
- "dbOrgID" in the "debt" worksheet or element

## The assocBallotMeasure Worksheet

Column	Format	Description
assocBallotMeasureID	char(30) not null	This is the unique external reference ID for the Associated Ballot Measure record. Each individual Ballot Measure must have its own unique identification number. <b>Required</b> if the original contribution or expenditure was to Support or Oppose a Ballot Measure.
contributionID	char(30)	This is the committee's unique external reference ID you <u>assigned to the original contribution record</u> . <b>Required</b> if the contribution was to Support or Oppose a Ballot Measure.
expenditureID	char(30)	This is the committee's unique external reference ID <u>you assigned to the original expenditure record</u> . <b>Required</b> if the expenditure was to Support or Oppose a Ballot Measure.
bmInformation	char(500) not null	This is the Ballot Measure the contribution or expenditure is in Support of or Opposition to. <b>Required</b> if the contribution or expenditure was to Support or Oppose a Ballot Measure.
bmAmount	money not null	Amount spent in Support of or Opposition to the individual Ballot Measure. <b>Required</b> if the contribution or expenditure was to Support or Oppose a Ballot Measure.
bmSuppOpp	char(1) (S)upport (O)ppose Not null	(S)upport if the contribution or expenditure, was in support of the Ballot Measure. or; (O)ppose if the contribution or expenditure, was in Opposition to the Ballot Measure. <b>Required</b> if the contribution or expenditure was to Support or Oppose a Ballot Measure.

### **Associated Ballot Measure Notes**

**For Measure Finance Committees Only**

**Required if** cnSuppOppBallotMeas or exSuppOppBallotMeas is (Y)es.

**Candidate Committees** - *leave the assocCandidate Worksheet blank.*

## The expenditureReturn Worksheet

Column	Format	Description
exReturnID	char(30) not null	This is your committee's unique external reference ID for the expenditure return record. Each expenditure return record must have its own unique identification number. <b>Required</b>
expenditureID	char(30) not null	This is the unique external reference ID assigned to the <u>original expenditure record</u> . It is required, so that the returned expenditure can be properly related to the original expenditure. <b>Required</b>
exRetAmount	money not null	Amount being returned. <b>Required</b>
exRetDate	date not null	Date of return. <b>Required</b>
exRetExplanation	char(100)	Explanation of why the expenditure was returned. <b>Required</b>

### **Expenditure Return Notes**

*If there are no expenditure returns leave the expenditureReturn Worksheet blank.*

*No associated candidate or ballot question element is needed for "Returned" Expenditure.*



## The loan Worksheet

Column	Format	Description
loanID	char(30) not null	This is your committee's unique external reference ID for the loan. Each loan record must have its own unique identification number. <b>Required</b>
InDate	date not null	Date of loan. <b>Required</b>
InAmount	money not null	Amount of loan. <b>Required</b>
InDescription	char(150) not null	Loan Description. <b>Required</b>
InClosedDate	date	Date loan is closed. Optional
InSourceType	char(2) not null	This is the source of the Loan (lender type). See Code Table section for valid values. <b>Required</b>
InSourceOrgID	char(30)	The Candidate or Committee Organization ID or Key in the Campaign Finance system of the loan source if the loan source is a registered Candidate or Measure Finance Committee in the City of Albuquerque.  <b>Required if</b> InSourceType is Candidate or Measure Finance Committee.  <i>For instructions on how to obtain InSourceOrgID see information in Expenditure Notes: <u>How to Obtain InSourceOrgID</u>. Otherwise null (blank).</i>
InSourceOrgName	char(100)	This is the loan source organization name. <b>Required if</b> the InSourceType is Business / Group and InSourceOrgID is null.
InSourceReferenceID	char(10)	This is your committee's optional unique external ID for the loan source. <b>It is highly recommended</b> you use this to uniquely identify your loan source (Lender).  The external ID you assign this loan source should be used each time this source makes a loan to your committee. This will reduce the possibility of having duplicate loan source records for the same source. <i><u>If a Loan Source also happens to be a contributor on any contribution records, you should use the same ID in both instances.</u></i>
InSourceFirstName	char(100)	Lender's First Name <b>Required if</b> Loan Source Type is "Individual" and InSourceOrgID is null.

Column	Format	Description
InSourceMiddleName	char(100)	Lender's Middle Name Optional if InSourceType is "Individual"
InSourceLastName	char(100)	Lender's Last Name <b>Required if</b> Loan Source Type is "Individual" and InSourceOrgID is null.
InSourceSuffix	char(15)	Lender's name suffix. Optional if InSourceType is "Individual"
InSourceAddress1	char(50)	Loan source (lender) Employer's address line 1. <i>(If the Individual does not have a separate employer, use personal address)</i> <b>Required if</b> InSourceOrgID is null.
InSourceAddress2	char(50)	Loan source (lender) Employer's address line 2. Optional
InSourceCity	char(30)	Loan source (lender) Employer's city. <b>Required if</b> InSourceOrgID is null.
InSourceState	char(2)	Loan source (lender) Employer's state abbreviation. <b>Required if</b> InSourceOrgID is null.
InSourceZip	char(5)	Loan source (lender) Employer's zip code. <b>Required if</b> InSourceOrgID is null.
InSourceEmployer	char(100)	Loan Source employer name. <b>Required if</b> Loan Source Type is "Individual" and InSourceOrgID is null.
InSourceOccupation	char(2)	Loan Source Occupation or Industry. <b>Required if</b> Loan Source Type is "Individual" and InSourceOrgID is null.
InSourceOccupationOther	char(100)	<b>InSourceOccupationOther</b> (Description) is <b>required if</b> InSourceOccupation = 99 (Other).
InSourceOwnerMgr	char (100)	Loan Source Owner/Manager. <b>Required if</b> Loan Source Type is "Business/Group" and InSourceOrgID is null.
InSourceBusActivities	char (100)	Loan Source Business/Activities. <b>Required if</b> Loan Source Type is "Business/Group" and InSourceOrgID is null.

## **Loan Notes**

*If there are no loans leave the loan Worksheet blank.*

### **InSourceOrgID:**

The Candidate or Committee Organization ID or Key in the Campaign Finance system of the loan source if the loan source is a registered Candidate or Measure Finance Committee in the City of Albuquerque.

**Required if** InSourceType = 03 Candidate or 04 Measure Finance Committee.

*For instructions on how to obtain exOrgID see information in Expenditure Notes: How to Obtain exOrgID. Otherwise null (blank).*

**NOTE:** *If the loan source (lender) is a Registered Candidate or Measure Finance Committee in the city of Albuquerque, you are required to use their **InSourceOrgID** in the InSourceOrgID column. This will eliminate the necessity to include any of the individual fields that pertain to the loan source. Organization Name if loan source is an Organization, Loan Source First, Middle & Last Name if an Individual, all address fields, as well as all employment information and business information, can be left blank. The InSourceOrgID information may be retrieved from the Export Organization List link found on the Committee Administration page under the Import Data File section.*

**InOrgName, InAddress1, InCity, InState, and InZip:** Organization Name and Address1, City, State and Zip of the Loan Source is **required if** the InSourceType is Business/Group and InSourceOrgID is null.

**InSourceReferenceID:** This is your external reference ID for the loan source. This is optional but **highly recommended** to uniquely identify your loan sources. *If a loan source (lender) also happens to be a contributor on any contribution records, you should use the same ID in both instances.*

### **InFirstName, InLastName, InAddress1, InCity, InState and InZip:**

Loan Source's Name and Address fields. Loan source's First Name, Last Name, Address 1, City, State and Zip are **required if** InSourceType is Individual, Candidate/ Spouse/ Domestic Partner, or Other Candidate/ Candidate Committee and InSourceOrgID is null. **(Use Loan Source Employer's Address. If the individual does not have a separate employer, use personal address)**

**InEmployer and InOccupation:**

Lender's Employer and Occupation are **required if** the Loan Source Type is Individual, Candidate/ Spouse/ Domestic Partner, Other Candidate/ Candidate Committee and InSourceOrgID is null.

**InSourceEmpInfoRequested** (Employment Information Requested) is **Required if** InSourceEmployer and InSourceOccupation are null.

**InSourceOccupationOther:**

Loan Source Other Occupation is **required if** the Loan Source Occupation = Other (99).

**How To Obtain InSourceOrgID**

From the Committee Administration page, scroll down to the Import Data File section. You will find a link "[Export Organization List](#)". Clicking on this link will open an excel spread sheet of all the active Candidates and Committees with their OrgID. This list should be used to look up values for the following columns or elements:

- "cnOrgID" in the "assocCandidate" worksheet or element
- "cbOrgID" in the "contribution" worksheet or element
- "exOrgID" in the "expenditure" worksheet or element
- "InSourceOrgID" in the "loan" worksheet or element
- "dbOrgID" in the "debt" worksheet or element

The loanPayment Worksheet

Column	Format	Description
loanPaymentID	char(30) not null	This is your committee's unique external reference ID for the loan payment record. Each loan payment record must have its own unique identification number. <b>Required</b>
loanID	char(30) not null	This is your committee's unique external reference ID you assigned to the original loan record. It is used to associate the payment to the correct loan. <b>Required</b>
InPaymentDate	date not null	Date of payment. <b>Required</b>
InPaymentPrincipal	money not null	Amount of loan payment. <b>Required</b> Enter 0.00 if none.
InPaymentInterest	money not null	Amount of loan payment. <b>Required</b> Enter 0.00 if none.

**Loan Payment Notes**

*If there are no loan payments leave the loanPayment Worksheet blank.*

The loanForgive Worksheet

Column	Format	Description
loanForgiveID	char(30) not null	This is your committee's unique external reference ID for the loan forgiveness record. Each loan forgiveness record must have its own unique identification number. <b>Required</b>
loanID	char(30) not null	This is your committee's unique external reference ID you assigned to the original loan record. It is used to associate the forgiveness record to the correct loan. <b>Required</b>
amtForgiven	date not null	Amount of the Loan that is being forgiven. <b>Required</b>

**Loan Forgive Notes**

*If there are no loan forgiveness entries leave the loanForgive Worksheet blank.*

## The debt Worksheet

Column	Format	Description
debtID	char(30) not null	This is your committee's unique external reference ID for the debt record. Each debt record must have its own unique identification number. <b>Required</b>
dbDate	date not null	Debt date – date debt was incurred. <b>Required</b>
dbAmount	money not null	Debt amount. Must be a valid dollar amount greater than 0.00. <b>Required</b>
dbDescription	char(100) not null	Description of Debt – <b>Required</b>
dbPayeeType	char(2) not null	See Code Table section for valid values. <b>Required</b>
dbOrgID	char(30)	The Candidate or Committee Organization ID or Key in the Campaign Finance system of the payee if the payee is a registered Candidate or Measure Finance Committee in the City of Albuquerque. <b>Required if</b> dbPayeeType is Candidate or Measure Finance Committee. <i>For instructions on how to obtain dbOrgID see information in Expenditure Notes: <a href="#">How to Obtain dbOrgID</a>. Otherwise null (blank).</i>
dbOrgName	char(100)	This is the payee organization name. <b>Required if</b> the dbPayeeType Business/Group and dbOrgID is null.
dbPayeeID	char(30)	Your optional external ID for the payee. It is <b>highly recommended</b> you use this to uniquely identify your payees. The external ID you assign this payee should be used each time this payee is used.
dbFirstName	char(100)	Debt Source (Payee) first name. <b>Required if</b> the dbPayeeType is "Individual" and dbOrgID is null.
dbMiddleName	char(100)	Debt Source (Payee) middle name. Optional if the debt is owed to an individual.

Column	Format	Description
dbLastName	char(100)	Debt Source (Payee) last name. <b>Required if</b> the dbPayeeType is "Individual" and dbOrgID is null.
dbNameSuffix	char(15)	Debt Source (Payee) name suffix. Optional if the debt is owed to an individual.
dbAddress1	char(50)	Debt Source (Payee) Employer's address line 1. <i>(If the Individual does not have a separate employer, use personal address)</i> <b>Required if</b> the dbPayeeType is "Individual" and dbOrgID is null.
dbAddress2	char(50)	Debt Source (Payee) Employer's address line 2. Optional
dbCity	char(30)	Debt Source (Payee) Employer's city. <b>Required if</b> dbOrgID is null.
dbState	char(2)	Debt Source (Payee) Employer's state. <b>Required if</b> dbOrgID is null.
dbZip	char(5)	Debt Source (Payee) Employer's zip code. <b>Required if</b> dbOrgID is null.
dbSourceEmployer	char(100)	Debt Source employer name. <b>Required if</b> Debt Source Type is "Individual" and dbOrgID is null.
dbSourceOccupation	char(2)	Debt Source Occupation or Industry. <b>Required if</b> Debt Source Type is "Individual" and dbOrgID is null.
dbSourceOccupationOther	char(100)	<b>dbSourceOccupationOther</b> (Description) is <b>required if</b> dbSourceOccupation = 99 (Other).
dbSourceOwnerMgr	char(100)	Debt Source Owner/Manager. <b>Required if</b> Debt Source Type is "Business/Group" and dbOrgID is null.
dbSourceBusActivities	char(100)	Debt Source Business/Activities. <b>Required if</b> Debt Source Type is "Business/Group" and dbOrgID is null.

## **Debt Notes**

*If there are no debts leave the debt Worksheet blank.*

The Candidate or Committee Organization ID or Key in the Campaign Finance system of the payee if the payee is a registered Candidate or Measure Finance Committee in the City of Albuquerque. *For instructions on how to obtain exOrgID see information in Expenditure Notes: [How to obtain exOrgID](#).* Otherwise null (blank).

**Required if** dbPayeeType = 03 Candidate or 04 Measure Finance Committee.

**NOTE:** *If the payee is a Registered Candidate or Measure Finance Committee in the city of Albuquerque, you are required to use their **dbOrgID** the dbOrgID column. This will eliminate the necessity to include any of the individual fields that pertain to the payee. Organization Name if payee is an Organization, Payee First, Middle & Last Name if an Individual, all address fields, as well as all employment information and business information, can be left blank. The dbOrgID information may be retrieved from the [Export Organization List](#) link found on the Committee Administration page under the Import Data File section.*

## **How To Obtain dbOrgID**

From the Committee Administration page, scroll down to the Import Data File section. You will find a link "[Export Organization List](#)". Clicking on this link will open an excel spread sheet of all the active Candidates and Committees with their OrgID. This list should be used to look up values for the following columns or elements:

- "cnOrgID" in the "assocCandidate" worksheet or element
- "cbOrgID" in the "contribution" worksheet or element
- "exOrgID" in the "expenditure" worksheet or element
- "lnSourceOrgID" in the "loan" worksheet or element
- "dbOrgID" in the "debt" worksheet or element



The debtPayment Worksheet

Column	Format	Description
dpPaymentID	char(30) not null	This is your committee's unique external reference ID for the debt payment record. Each debt payment record must have its own unique identification number. <b>Required</b>
debtID	char(30) not null	This is your committee's unique external reference ID for the original debt record. <b>Required</b>
dpPaymentDate	date not null	Date of debt payment. <b>Required</b>
dpPaymentAmount	money not null	Amount of debt payment. <b>Required</b> Enter 0.00 if none.

**Debt Payment Notes**

*If there are no debt payments leave the debtPayment Worksheet blank.*

## CODE TABLES

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The following import codes should be used where applicable in the specified worksheets.

The contribution Worksheet

### **cbContributionType (type of contribution)**

Code	Import Code
Monetary	01
In-Kind	02
Public Funding	03
Anonymous	04

**cbContributionType = 03 Public Funding - is only valid for Publicly Financed Candidates Committees.**

### **cbContributorType (type of contributor)**

For Candidate Committees and Measure Finance Committees	Import Code
Individual	01
Business/Group	02
Candidate	03
Measure Finance Committee	04

**If cbContributorType = 03 Candidate or 04 Committee then cbOrdID is required.**

### **cbOccupation (contributor's occupation or industry)**

Code	Import Code
Agriculture	01
Attorney/Legal	02
Automotive Industry	03
Business Owner	04
Clergy/Faith-based	05
Construction/Engineering	06
Environmental Services	07
Financial/Investment	08
Firefighters/Paramedics	09
Food Services	10
Gaming Industry	11
General Business	12
Government/Civil	13

Healthcare/Medical	14
Homemaker	15
Insurance Industry	16
Law Enforcement	17
Lobbyist	18
Manufacturing	19
Media/Public Relations	20
Military	21
Mining/Energy	22
Not Currently Employed	23
Office and Administrative Occupations	24
Real Estate Professional	25
Retail Sales	26
Retired	27
Science/Technology	28
Student	29
Teacher/Education	30
Unknown	31
Other	99

The expenditure Worksheet

**exExpenditureType**

For Candidate Committees and Measure Finance Committees	Import Code
Disposition of Funds	01
Monetary	02

**exFundsDispo**

For Candidate Committees and Measure Finance Committees	Import Code
Charity	01
City Fund	02
Returned to Source	03

**exPurpose (purpose of expenditure)**

Code	Import Code
Advertising	ADV
Bank Fees	BKF
Consultant & Professional Services	CNS
Donations (All Others)	DAO
Donations (Political)	DPO
Employee Services	EMP
Entertainment	ENT
Food, Beverages and Meals	FOD
Fundraising Expenses	FUN
Gifts	GFT
Legal & Accounting	LEG
Office Equipment & Supplies	OES
Polls & Surveys	POL
Postage/Mailing	POS
Printing	PRT
Rent & Utilities	REN
Refunds/Reimbursements	RFD
Telephone	TEL
Travel & Lodging	TRV
Other	OTH
Unknown	UNK

**exPayeeType (type of payee)**

<b>For Candidate Committees and Measure Finance Committees</b>	<b>Import Code</b>
Individual	01
Group/Business	02
Candidate	03
Measure Finance Committee	04

**If exPayeeType = 03 Candidate or 04 Committee then exOrdID is required.**

**exOccupation (payee's occupation or industry)**

<b>Code</b>	<b>Import Code</b>
Agriculture	01
Attorney/Legal	02
Automotive Industry	03
Business Owner	04
Clergy/Faith-based	05
Construction/Engineering	06
Environmental Services	07
Financial/Investment	08
Firefighters/Paramedics	09
Food Services	10
Gaming Industry	11
General Business	12
Government/Civil	13
Healthcare/Medical	14
Homemaker	15
Insurance Industry	16
Law Enforcement	17
Lobbyist	18
Manufacturing	19
Media/Public Relations	20
Military	21
Mining/Energy	22
Not Currently Employed	23
Office and Administrative Occupations	24
Real Estate Professional	25
Retail Sales	26
Retired	27
Science/Technology	28
Student	29
Teacher/Education	30
Unknown	31
Other	99

The loan Worksheet

**InSourceType (type of loan source)**

<b>For Candidate Committees and Measure Finance Committees</b>	<b>Import Code</b>
Individual	01
Business/Group	02
Candidate	03
Measure Finance Committee	04

**InSourceOccupation (loan source's occupation or industry)**

<b>Code</b>	<b>Import Code</b>
Agriculture	01
Attorney/Legal	02
Automotive Industry	03
Business Owner	04
Clergy/Faith-based	05
Construction/Engineering	06
Environmental Services	07
Financial/Investment	08
Firefighters/Paramedics	09
Food Services	10
Gaming Industry	11
General Business	12
Government/Civil	13
Healthcare/Medical	14
Homemaker	15
Insurance Industry	16
Law Enforcement	17
Lobbyist	18
Manufacturing	19
Media/Public Relations	20
Military	21
Mining/Energy	22
Not Currently Employed	23
Office and Administrative Occupations	24
Real Estate Professional	25
Retail Sales	26
Retired	27
Science/Technology	28
Student	29
Teacher/Education	30
Unknown	31
Other	99

The debt Worksheet

**dbPayeeType (debt payee)**

<b>For Candidate Committees and Measure Finance Committees</b>	<b>Import Code</b>
Individual	01
Business/Group	02
Candidate	03
Measure Finance Committee	04

**dbSourceOccupation (debt source's occupation or industry)**

<b>Code</b>	<b>Import Code</b>
Agriculture	01
Attorney/Legal	02
Automotive Industry	03
Business Owner	04
Clergy/Faith-based	05
Construction/Engineering	06
Environmental Services	07
Financial/Investment	08
Firefighters/Paramedics	09
Food Services	10
Gaming Industry	11
General Business	12
Government/Civil	13
Healthcare/Medical	14
Homemaker	15
Insurance Industry	16
Law Enforcement	17
Lobbyist	18
Manufacturing	19
Media/Public Relations	20
Military	21
Mining/Energy	22
Not Currently Employed	23
Office and Administrative Occupations	24
Real Estate Professional	25
Retail Sales	26
Retired	27
Science/Technology	28
Student	29
Teacher/Education	30
Unknown	31
Other	99