

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



## **FOR THE ELECTION CODE, THE OPEN AND ETHICAL ELECTION CODE, AND THE CODE OF ETHICS OF THE CITY CHARTER**

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

**LEFT INTENTIONALLY BLANK**

# Table of Contents

Section 1. AUTHORITY AND CONSTRUCTION .....	4
Section 2. RULE ON COMPUTATION OF TIME .....	4
Section 3. WHERE TO FILE AND ADDRESS INQUIRIES; ORIENTATION .....	4
Section 4. ADVISORY OPINIONS.....	5
A. Advisory Opinion Requirements. ....	5
B. Confidentiality, Public Hearings, and Public Record. ....	6
Section 5. ENFORCEMENT .....	6
A. Complaints. ....	6
B. Consent Order/Settlement Process. ....	8
C. Investigations.....	9
D. Answers. ....	10
E. Advisory Opinions as a Defense.....	10
F. Hearings.....	10
G. Evidence. ....	12
H. Hearing Procedure. ....	13
I. Record.....	14
J. Orders and Decisions of the Board.....	14
K. Appeal.....	15
L. General Fines and Fees. ....	15
M. Automatic Fines.....	16
N. Authority and Appeals of Fines. ....	16
O. Limitation on Source of Funds to Pay Fines.....	16
P. Communications.....	17
Q. Other Complaints. ....	17
Section 6. MISCELLANEOUS. ....	17

## **RULES OF THE BOARD OF ETHICS & CAMPAIGN PRACTICES FOR THE ELECTION CODE, THE OPEN AND ETHICAL ELECTION CODE, AND THE CODE OF ETHICS OF THE CITY CHARTER**

### **Section 1. AUTHORITY AND CONSTRUCTION.**

A. Authority. Pursuant to the authority granted by the City Charter of the City of Albuquerque, the Board of Ethics and Campaign Practices (hereafter referred to as the "Board") issues the following Rules for its conduct, and for interpretation and enforcement of the Code of Ethics (Article XII), the Election Code (Article XIII), and the Open and Ethical Elections Code (Article XVI) of the City Charter (hereafter referred to collectively as "the Codes").

B. Conflicts. If these Rules conflict with the provisions of the Codes, the provisions of the Codes shall prevail.

C. Scope. These Rules are intended to clarify the procedures of the Board when regulating the activity of candidates, Measure Finance Committees, elected officials, and appointed officials, as provided in the City Charter and City Ordinance. These Rules apply to all individuals, entities, and organizations governed by or subject to the provisions of the Codes. Any terms used in these Rules shall have the same meaning as the Codes, unless otherwise specified.

### **Section 2. RULE ON COMPUTATION OF TIME.**

A. For the purpose of the Board's implementation of these Rules computation of time shall be governed by NMSA 1978, Section 1-1-22, and all references to "days" are to calendar days. These Rules shall not impact deadlines provided in the Codes.

B. The City Clerk shall create an election calendar no later than February 1, of each election year and post the election calendar on the City Clerk's website so candidates, Measure Finance Committees, and the public may understand the deadlines required by the Codes.

### **Section 3. 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 Codes or these Rules, shall be filed with the Office of

the City Clerk's and may be submitted online through the Campaign Finance Reporting System.

C. All documents required by the Codes or these Rules 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 filed in a timely manner unless the information is provided on a corrected submission filed prior to the times specified in the Codes or these Rules. Any documents requiring the address of the contributor shall be deemed to be incomplete if the contributor's physical address is not provided. All documents shall be filed with the Office of the City Clerk by email at [cityclerk@cabq.gov](mailto:cityclerk@cabq.gov).

D. The candidate and committee, or their designated representative, must complete training on how to use the Campaign Finance Reporting System within ten (10) days of registering.

#### **Section 4. ADVISORY OPINIONS**

##### **A. Advisory Opinion Requirements.**

1. The Board may issue advisory opinions pursuant to Article XII, Sec. 3(h) of the City Charter under the following procedures.

2. Each request for an advisory opinion shall be in writing filed with the Office of the City Clerk by email at [cityclerk@cabq.gov](mailto:cityclerk@cabq.gov).

3. A request for an advisory opinion shall only concern conduct in which the requester of the opinion intends to engage or regarding prospective matters. A candidate, official, or lobbyist may only request an advisory opinion regarding their own perspective conduct, a person may not request an advisory opinion regarding conduct of another.

4. The request for an advisory opinion shall contain all material facts.

5. Requests for advisory opinions which appear to be compliant with the preceding rules will be transmitted to legal counsel engaged by the City Clerk for this purpose, and such counsel shall review the request, prepare a draft advisory opinion, and submit the draft to the Board within fourteen (14) days of the Clerk's receipt of the request. The Board shall act on the draft advisory opinion within thirty (30) days of its receipt. The Board may adopt or decline to adopt the draft advisory opinion as submitted. Alternatively, the Board may revise the draft advisory opinion or draft a new

advisory opinion. The Board shall act on a revised or new advisory opinion within fourteen (14) days.

a. All timeframes mentioned in Article XII, Section 3(h) are mandatory. If the Board needs more time to issue an advisory opinion, they must notify the requester in writing specifying the reason for the delay. The Board delegates to the City Clerk the obligations to update the requester in writing every thirty (30) days until the advisory opinion is issued. Advisory opinions shall be issued within one hundred and eighty (180) days of the initial request.

b. The person requesting an advisory opinion may attend any Board meeting at which the proposed advisory opinion is considered. The Board may require the person requesting the advisory opinion to answer questions or provide additional information or documentation at the Board meeting.

c. Each advisory opinion shall be issued only after a majority of the entire membership of the Board, as defined in Article XII, Section 3(a), has voted in favor of the advisory opinion.

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

1. The Board may deliberate with the independent legal consultant in a closed meeting in accordance with the Open Meetings Act, NMSA 1978, Section 10-15-1(H)(3).

2. The acceptance or rejection of the advisory opinion by the Board shall occur at 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 date.

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

## **Section 5. ENFORCEMENT**

### **A. Complaints.**

1. Any person may file a complaint alleging a violation of the Codes in accordance with this section or these Rules. Each complaint shall be made on a form

approved by the City Clerk and filed with the Office of the City Clerk by email at [cityclerk@cabq.gov](mailto:cityclerk@cabq.gov). The complaint shall contain the requirements of subsection 3 below.

2. The City Clerk shall then review all complaints for facial sufficiency within three (3) days after the complaint is filed with the City Clerk. Any complaint that is facially sufficient shall be referred to the Board.

3. A complaint shall be considered facially sufficient if the complaint contains the following:

- a. The complaint is submitted on the form approved by the City Clerk;
- b. The complaint alleges the violation occurred within one hundred and twenty (120) day of the date the complaint is filed or the allegations supporting the charges alleged in the complaint were not public knowledge within that time frame. The complaint alleges campaign violations in which the alleged violation occurred within one (1) year prior to the filing of the complaint, 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.
- c. Complainant's name, address, and telephone number (anonymous complaints will not be considered facially sufficient);
- d. Respondent's name, address, and telephone number;
  - i. If Respondent is a candidate, the office and position sought;
- e. The complaint names a single Respondent. A complaint cannot be filed against more than one (1) Respondent;
- f. Whether Complainant has filed this complaint with any law enforcement agency, and if so, which one(s). A copy of any complaints filed with any law enforcement agency must be attached to the complaint;
- g. A description, in reasonable detail of the alleged violation, including the section(s) or part(s) of the Codes or Rules of the Board that Complainant believes in good faith to have been violated;
- h. 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; and
- i. Complainant's notarized signature affixed immediately after the

certification.

4. The City Clerk shall review the submitted complaint, and if the City Clerk finds the complaint to be facially sufficient, the City Clerk must notify the Respondent within three (3) days and provide the Respondent with a copy of the complaint by email. The City Clerk shall then refer the complaint to the Board.

5. Upon referral of a complaint to the Board, the City Clerk shall:

a. Set the complaint for an evidentiary hearing by the Board to be held within thirty (30) days of the date the complaint was referred to the Board. If that hearing date falls within the "blackout period" set forth in Article XII Sec. 3(i)(5) of the City Charter, then the City Clerk shall add seven (7) additional days to the hearing date. The Board may extend this deadline only upon a showing of good cause pursuant to these Rules.

b. Notify the Complainant and Respondent they may request a settlement conference to attempt to resolve the alleged violation(s) by informal means as set forth in (B) below.

6. If the City Clerk finds that the submitted complaint fails to comply with the requirements of Section, A(3) above, or is otherwise incomplete, the City Clerk shall reject the complaint. When a complaint is rejected, the City Clerk shall return the complaint to Complainant and provide written notice of the reason(s) for the rejection. The Complainant may file a new complaint or appeal the City Clerk's rejection. Such appeal shall be filed with the Board within five (5) days of the City Clerk's rejection.

**B. Consent Order/Settlement Process.**

1. At any time after the filing of the complaint, the Respondent may offer to settle the complaint by requesting a settlement conference by email with the City Clerk's staff.

2. During the settlement conference, the Respondent may provide context for the alleged violations and acknowledge areas where non-compliance may have occurred. The Respondent may agree to specific corrective actions to address the alleged violation.

3. If a settlement is reached at the settlement conference, the City Clerk's staff shall prepare a proposed settlement agreement and submit the proposed settlement agreement to the Board.



4. The proposed settlement agreement shall state the Parties' contentions, the action taken or to be taken by the Respondent to correct the alleged violation, if any, and proposed sanctions, if any, upon the Respondent. The Respondent shall approve any proposed settlement offer within ten (10) days of receipt, any offer not accepted within that time is automatically withdrawn.

5. Upon receipt of a proposed settlement agreement, the Board shall meet to determine if it will accept the settlement agreement. The hearing date will be maintained until the settlement is accepted. Board acceptance of a settlement agreement shall be by a majority of the entire membership of the Board, as defined in Article XII, Section 3(a) of the City Charter. 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. The Board may permit the Parties to give statements in support of the settlement agreement but shall not take testimony or other record evidence. Respondent shall attend the hearing to confirm 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, neither the settlement agreement nor statements made in the settlement conference may be used as evidence in any subsequent hearings.

### **C. Investigations.**

1. For the purposes of these Rules, pursuant to Article XII, Section 9(a) of the City Charter, the term "allegations" means any formal charges filed with, or initiated by, the Board or the City Clerk and any other information raising a substantial question related to compliance with the Codes.

2. Investigations shall be initiated by the City Clerk or by affirmative vote of at least four (4) members of the Board.

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

4. The scope of any investigation of allegations authorized by the Board or the City Clerk shall be specifically defined by the Board or the City Clerk prior to the investigation being undertaken.

5. If the Board or City Clerk decides to investigate the allegations. The Board or City Clerk may utilize the Office of Inspector General, City staff assigned to the

Board, or temporarily employ or contract with an individual to act as the Investigator. In selecting and retaining investigators to investigate such allegations, the Board shall not be bound by the procurement procedures and Ordinances of the City of Albuquerque. After the investigator is named by the Board, the investigator shall be retained by the City Clerk on the Board's behalf.

6. All officials and contractors of the City of Albuquerque shall promptly furnish the Board or its investigator with requested information and records within their custody which are germane to an investigation authorized by the Board. Officials and contractors may be required to appear as witnesses in hearings concerning ethics or campaign practices charges heard by the Board.

**D. Answers.**

1. Respondent's answer to a complaint shall include a response to each allegation in the Complaint. Respondent's answer shall be filed with the City Clerk within ten (10) days after notice is given by the City Clerk to the Respondent that the complaint has been referred to the Board. Respondent shall send a copy of the answer to Complainant by first class mail, personal service, or e-mail, to the City Clerk certifying that such mailing occurred on or before the date the answer was filed with the City Clerk.

2. Answers to complaints shall be verified and made under explicit penalty of perjury. A sample form of verification is available at the Office of the City Clerk.

3. 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.

**E. Advisory Opinions as a Defense.**

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

**F. Hearings.**

1. In conducting hearings, all Parties shall be afforded an opportunity for a full and fair hearing with an opportunity to be heard, present witnesses, and provide documentary evidence. In conducting the hearing, the Board shall follow these procedures:

a. Continuances. Requests for continuances shall be made, in writing, at least three (3) days prior to the hearing and shall be delivered by email to the Office of the City Clerk to the attention of the Board. Continuances shall be granted by the Board only for good cause shown pursuant to these Rules.

b. Voluntary Dismissals. A Complainant may file a motion to dismiss the complaint fourteen (14) days preceding the hearing and provide the motion to dismiss to the Respondent, such motion may be granted by the Board.

c. Duties of Presiding Officer. The Chair of the Board shall act as the presiding officer at the hearing unless they are unavailable or they wish to delegate this duty, in which case the majority of Board members shall select a presiding officer. The presiding officer shall:

i. Determine the admissibility of evidence and testimony. 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.

ii. Make rulings on procedural issues.

iii. Be responsible for drafting the Board's written ruling in each Case in accordance with paragraph Section 5(J).

iv. Issue administrative subpoenas for the appearance of a person at a hearing or for the production of documents. The Board may require the Complainant to provide the names and telephone numbers of persons whom Complainant believes to have personal knowledge of the allegations and what information provided in the complaint that person may attest to.

v. Request the City Attorney to apply for a Court order compelling compliance with an administrative subpoena or for a Court order requiring individuals to give testimony or produce evidence.

vi. 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.

vii. The presiding officer may set time limits for presentation of opening and closing statements.

viii. The presiding officer may prohibit repetitive testimony.

d. The Board may request clarification of the allegations in the complaint prior to any hearing; request that certain facts be examined initially in order to determine whether such facts exist that 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.

e. Should an action of the presiding officer be challenged by another Board member, and should the presiding officer disagree with the challenge, the issue shall be presented to the Board and shall be decided by a simple majority vote of the Board members.

## **G. Evidence.**

1. The Rules of Evidence for District Courts do not apply to hearings of the Board.

2. The Board shall require that the Parties provide in advance of a hearing 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 (1) copy of each item required pursuant to this Paragraph shall be provided to the City Clerk to the attention of the Board, and one (1) copy of each to the opposing Party. Failure of a Complainant to comply fully with this paragraph may 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 any allegation 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 the opposing Party's exhibits may result in the admission of those exhibits.

3. The Parties may stipulate to some or all of the facts in advance of the hearing. For all contested facts, 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 may be excluded. 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.

4. Hearsay testimony may be admissible subject to the other limitations on admissibility contained in these Rules, provided that anonymous statements shall not be considered.

5. At the hearing on the Complaint the Board shall consider the evidence that supports or refutes the allegations set forth in the complaint such as:

- a. Statements and assertions based on personal knowledge of any witness;
- b. Circumstantial evidence;
- c. A copy of any political advertisement(s) that support or refute the allegations;
- d. A copy of any other document Complainant references in the complaint or the Respondent provides; and
- e. Any other evidence supporting or refuting the allegations set forth in the complaint.

#### **H. Hearing Procedure.**

1. 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:

- a. Opening Statement of Issues. Complainant and then Respondent may present statements of issues involved in the case and outline the case that will be presented.
- b. Presentation of Complainant's Case. Complainant's case will first be presented to the Board. Each Complainant witness will be called, sworn, and questioned on their involvement in or knowledge of the case. Following each witness's testimony, Respondent will have an opportunity to question the witness. Board members will then have an opportunity to question the witness on matters related to their testimony. Follow-up questioning by Complainant will be allowed at the discretion of the presiding officer.
- c. Presentation of Respondent's Case. Respondent's presentation shall follow Complainant's in the same manner.
- d. Rebuttal Testimony. Following presentation of Respondent's position, Complainant may 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 Respondent's presentation. No new issues shall be raised. Rebuttal testimony shall not address a matter that reasonably could have been presented in the presentation of the Complainant's case.

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

**I. Record.**

1. The Office of the City Clerk shall record the entire hearing by video and/or sound recording and shall retain the record for one (1) year after the final decision is issued. The record shall include:

a. All documents filed, including items considered and received as evidence; and

b. Any decision or opinion of the Board.

**J. Orders and Decisions of the Board.**

1. Any decision or opinion of the Board shall be agreed upon by the majoring of the Board as defined in Article XII, (3)(a) of the City Charter. Such decision or opinion shall be in writing and shall include a statement of the facts relied upon to support the decision of the Board. Each violation of the Codes or these Rules found by the Board shall be supported by at least some evidence that is admissible in a court of law.

2. The decision or opinion shall be sent to each party no later than three (3) days after the hearing by mail, personal service, or e-mail, and shall be filed with the Office of the City Clerk.

3. Prior decisions by the Board on the same issue should generally be followed and the Parties are urged to refer to prior rulings on identical or similar issues. Prior decisions are available on the City Clerk's website. The City Clerk shall index all Board decisions by date.

4. The Board may dismiss a complaint if any one (1) 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 Codes.
- 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.
- g. After hearing evidence, the Board finds that the Respondent committed the violation due to excusable neglect, Respondent has come into compliance voluntarily, and the Board determines that no sanction is required; or if the Complainant does not appear at the hearing, but only if the Board determines that it would be unfair to the Respondent not to have the opportunity to examine the Complainant.

#### **K. Appeal.**

An appeal may be taken from any findings and action of the Board to the District Court of the 2nd Judicial District, by filing Notice of Appeal in District Court within five (5) days of the date of the action or order appealed from, and by filing with said District Court within thirty (30) days a true transcript and record of the proceedings upon which said action or order is based. The hearing in the District Court shall be held on the said transcript and record only, and new testimony shall not be taken.

#### **L. General Fines and Fees.**

1. Pursuant to Article XII, Section 8, the Board may, after due hearing, impose on the Responsible Party a fine not to exceed the maximum set by state law, of five hundred and NO/100 dollars (\$500.00), for each violation of the Codes or these Rules, or issue a public reprimand, or do both.

2. Written notice of all fines shall be given to the Responsible Party by the Office of the City Clerk. For the purposes of appeal timelines, receipt of notice shall be determined by the date the notice is delivered via the Campaign Finance Reporting

System, certified mail, e-mail, or any other official method of communication as specified in these Rules.

3. All fines are due when levied and shall be paid to the City of Albuquerque by delivering the amount of any such fine to 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 (31st) 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.

#### **M. Automatic Fines.**

1. Fines are automatically imposed and public reprimands are issued for failure to file, late filing, or incomplete filing of any report, statement, or bank statement required by the Codes or these Rules.

2. When a campaign disclosure report is incomplete or not filed, the candidate or the chair of the Measure Finance Committee shall be notified by the Office of the City Clerk, in accordance with Section 5(L)(2) of these rules. The candidate or chair of the Measure Finance Committee shall have ten (10) days from the date of notice to correct the failure. There shall be a fine and public reprimand for an incomplete or unfiled which is not corrected within ten (10) days. Fines shall accrue retroactively from the first day of non-compliance at one hundred and NO/100 dollars (\$100.00) per day, including the initial ten (10) days of the grace period. For example, on the eleventh (11<sup>th</sup>) day of non-compliance, the total fine would be one thousand one hundred and NO/100 dollars (\$1,100).

3. If the failure is corrected within ten (10) days, no fines shall issue.

#### **N. Authority and Appeals of Fines.**

1. The Board delegates to the City Clerk the authority to impose and collect non-disputed automatic fines.

2. Other fines arising from disputes regarding the merits of a report shall be adjudicated through the complaint process initiated by the Board, the City Clerk, or the public.

3. Any automatic fine imposed pursuant to these Rules without a hearing may be appealed to the Board, subject to the appeal procedures established in these Rules. Such appeal shall be file with the Office of the City Clerk, and be in writing, no later than ten (10) days after receipt of the notice of the imposition of the fine.

#### **O. Limitation on Source of Funds to Pay Fines.**



A candidate, the chair of the Measure Finance Committee or any other obligated person subject to a fine pursuant to the Codes and these Rules shall not use contributions received by such candidate or the Measure Finance Committee to make payment of any fine assessed under the Codes or these Rules.

**P. Communications.**

After a complaint has been filed, the Parties and their representatives shall not 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 filed with the Office of the City Clerk.

**Q. Other Complaints.**

Notwithstanding any other provision in this Section, the Board or City Clerk may, on its own initiative, initiate a complaint that a candidate, the chair of a Measure Finance Committee, or any other group has committed a violation of the Codes or of these Rules. Complaints initiated by the Board or the City Clerk may be exempt from the settlement conference process at the discretion of the City Clerk or the Board.

**Section 6. MISCELLANEOUS.**

**A. Notice.** Any notice required by the Codes or these Rules shall be given by mail, personal service, or e-mail as provided below. For the purposes of providing notice to a candidate or the chair of a Measure Finance Committee, written notice by mail, personal service, or e-mail, 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 candidate. Provided, that if a candidate or chair has furnished a different address pursuant to Article XIII, Section 6, notice by mail, personal service, or e-mail 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, maybe in closed or open sessions.

**C. Rules of Order.** The Board shall conduct its meetings in accordance with Robert's Rules of Order except where they are inconsistent with these Rules, the City Charter, or other applicable law. In such cases, the provisions of these Rules, the City Charter, or other applicable law shall prevail.

**D. Off Cycle Meetings.** The Board shall meet at least biannually during years when no elections are scheduled.

**E. 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 the 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 Codes.

**F. Amendments.** The Board, by majority vote of the entire membership of the Board, as defined in Article XII, Section 3(a) of the City Charter, may amend these Rules pursuant and subject to the authority granted under Section 9 of the Election Code.

**G. Effective Date and Filing.** These Rules having been approved by the Board of Ethics and Campaign Practices on

February 12, 2025 \_\_\_\_\_ by a vote of 4 for 0 against  
and 3 absent, shall be effective five (5) days after the date entered below and shall be filed in the Office of the City Clerk.

ADOPTED THIS 12 DAY OF February.

Signed by:  
Jason Marks 2/12/2025 | 6:40 PM MST  
C9B3FC1826CD403...  
Jason Marks  
Chair, Board of Ethics Campaign Practices

DocuSigned by:  
Ethan Watson 2/12/2025 | 3:32 PM MST  
49D7E50AAABD429...  
Ethan Watson  
City Clerk