

Describe in reasonable detail the alleged violation(s), 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 of Ethics or City Clerk that you believe were violated, explain how you believe the Election Code, Code of Ethics, Open and Ethical Elections Code, or Rules and Regulations of the Board of Ethics or City Clerk were violated, the date of the alleged violation(s), and include any other pertinent information. Additional pages may be attached to this form if the space provided below is not adequate.

The Gonzales Campaign appears to have engaged in a pattern of unlawful behavior by forging signatures on receipts for Qualifying Contributions. The Gonzales Campaign submitted receipts reflecting that they had obtained 2,609 paper Qualifying Contributions. Of those, 584 paper Qualifying Contributions were rejected, including 91 duplicates. A review of a sampling of the paper records submitted by the Gonzales Campaign reflects the following:

- 1) In some instances, the signature on a Qualifying Contribution receipt submitted by the Gonzales Campaign does not match the signature on the individual's voter registration card and/or a recent petition. We have submitted ten (10) examples. Most of these forgeries were committed by either the campaign spokeswoman for the Gonzales Campaign and by an employee who is the executive assistant to Gonzales at the Bernalillo County Sheriff's Office (BSCO), which strongly suggests that these fraudulent activities were sanctioned by the highest level of the campaign. In this sample, all ten (10) were accepted as valid contributions.
- 2) In some instances, where the campaign submitted two Qualifying Contributions on behalf of a voter, neither of the signatures match the individual's voter registration card and/or petitions recently signed by the voter. In these cases, it appears that both of the receipts submitted by the Gonzales Campaign were forged. We have submitted six (6) samples of this forgery. In this sample, four (4) were accepted as valid contributions.
- 3) In other instances, where the campaign submitted two Qualifying Contributions on behalf of a voter, the signatures on the two receipts do not match each other, and only one of the signatures matches that found on the individual's voter registration card and/or a petition recently signed by the voter. In these cases, it appears that at least one of each duplicative receipt submitted by the Gonzales Campaign was forged. We have submitted six (6) samples of this forgery. In this sample, three (3) were accepted as valid contributions.

This evidence reflects that the Gonzales Campaign has engaged in a pattern of fraud in its efforts to obtain over \$650,000 in taxpayer money. In preparing and submitting these receipts, the Gonzales Campaign committed numerous acts of criminal forgery, in violation of NMSA 1978, § 30-19-10. In addition, the submission of these receipts violated the 2021 Regulations of the Albuquerque City Clerk for the Open and Ethical Elections Code Part C(6), which provides that "the contributor himself or herself must sign the receipt."

It is also likely that the Gonzales Campaign violated the law by submitting these forged receipts without collecting \$5 contributions from these voters. If that is the case, the Gonzales Campaign violated NMSA 1978, § 1-19-34.3(A), which provides that “[i]t is unlawful for a person to make a contribution in the name of another person, and no person shall knowingly accept a contribution made by any person in the name of another person. This conduct would also violate the 2021 Regulations of the Albuquerque City Clerk for the Open and Ethical Elections Code Part I(1), which provides that “[n]o person may make a Contribution in the name of another person ... The Contributor identified in reports to ... the City Clerk must be the actual source of funds for the Contribution.” It further violates Part C(6), which provides that “[a]ll 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.”

These criminal and fraudulent actions by the Gonzales Campaign justify the denial of Certification pursuant to Part C(15) of the 2021 Regulations of the Albuquerque City Clerk for the Open and Ethical Elections Code, which provides that the City Clerk shall determine whether an Applicant Candidate has “been found to have made a materially false statement in a report or other document submitted to the City Clerk” or “been found to have submitted any fraudulent Qualifying Contributions or any falsified acknowledgement forms for Qualifying Contributions ..., where the Applicant Candidate knew or should have known of the fraudulence or falsification.” In the alternative, it is grounds for revocation of certification pursuant to Part C(17)(c), which provides that “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 ... [s]ubmitted any fraudulent Qualifying Contributions ... and the Participating Candidates knew or should have known of the fraudulence.” It is also grounds for revocation of certification pursuant to Part(C)(17)(f), which provides that “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 ... [k]nowingly made a false statement or material misrepresentation in any report or any other document required to be filed under the OEEC or the EC.”

The Open and Ethical Elections Code was approved in 2005 with 69% of the public vote. Its integrity and its future are dependent on candidates earning the right to spend hundreds of thousands of taxpayer dollars for their campaigns, in exchange for the honest and diligent satisfaction of the robust requirements to access these taxpayer dollars. When a candidate commits fraud in an attempt to circumvent this public trust and clear requirements of this law, that candidate should be disqualified from the benefits of public financing for violating the intent, and trust, of the overwhelming majority of the City’s voters.