

New Ethics and Campaign Finance Reforms Take Effect in New Mexico

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On June 15 and July 1 of this year, a number of changes to New Mexico's gift, ethics and campaign finance statutes became law. Most of the ethics changes were incorporated into former Senate Bill 931, which places single-gift and aggregate dollar limits on the gifts that candidates for state office, state officers and employees, and the families of these individuals may accept from outside sources. These provisions are designed to supplement an old and ambiguously-worded statute that placed few real restrictions on a covered official's ability to accept gifts.

Under the new law, state officers, employees, candidate's for state office, and their families are prohibited from accepting gifts from a "restricted donor" in excess of \$250. There are exceptions to the gift limits for, among other things:

- Gifts based on a close personal/family relationship;
- Reimbursement for certain out-of-pocket expenses when performing a service; and
- Expenses for certain bona fide educational programs related to official duties.

Separate from the gift limits applicable to restricted donors, a registered lobbyist, the lobbyist's employer or a government contractor may not donate gifts of an aggregate market value exceeding \$1,000 in a calendar year to any one state officer or employee or to any one candidate for state office. The exceptions to the definition of gift that apply to the \$250 "per gift" limit also apply to the \$1,000 per year lobbyist, lobbyist employer and government contractor gift restrictions. The new law also restricts the ability of

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state officers and employees to solicit charitable contributions from businesses, including from corporations regulated by the official's or employee's agency.

Separate from these changes, the New Mexico legislature also passed former Senate Bill 1074, which prohibits prospective state contractors, their representatives, and members of their families from making campaign contributions or providing any "other thing of value" to certain officials and employees during the "pendency of the procurement process." The bill also requires prospective contractors to disclose certain campaign contributions made during the two years prior to the procurement process.