

**INTERIM LEGISLATIVE ETHICS COMMITTEE
ADVISORY OPINION 08-02**

Pursuant to Section 2-15-9 NMSA 1978, the Interim Legislative Ethics Committee was asked to issue an advisory opinion on the appropriateness of including a link to a legislator's personal web address and a reproduction of a campaign-style bumper sticker in the signature section of an email sent through the legislative email system. This advisory opinion responds to that request. The committee met on September 11, 2008 to discuss the request and its response.

Advisory Opinion Summary

Legislative email should not contain the words "re-elect" or similar wording, and while neutrally worded links to personal web sites are not inappropriate, members are cautioned that the committee's judgment on this question is evolving.

Discussion

The legislative email system (as denoted by the "nmlegis.gov" domain) is a state resource made available to members of the legislature for official business. As such, and similar to this committee's opinion in 1996 concerning the use of legislative stationery, its use "should be limited to matters that relate to the conduct of legislative business" (Interim Legislative Ethics Committee Advisory Opinion No. 96-1). Just as it would be inappropriate to include a message, graphic or slogan imploring readers to "re-elect" a member on the member's official stationery, so, too, is it inappropriate to do so on a legislative email.

Including a link to a personal web site in which the wording of the link itself does not contain a campaign theme is a more difficult question to answer. The committee is concerned about endorsing the practice of including links on legislative emails to web sites that may mix legislative and political content, but the committee also recognizes that such web sites may provide constituents with useful information about a member. The committee, therefore, simply cautions members that while it finds nothing inappropriate in including a neutrally worded link to a personal web site, it is reserving judgment about where that line is actually drawn.

Pursuant to the provisions of Paragraph (3) of Subsection D of Legislative Council Policy No. 16, advisory opinions issued by the Interim Legislative Ethics Committee are prospective only. This advisory opinion does not reflect on previous actions by members. In the future, as provided in Paragraph (4) of Subsection D of Legislative Council Policy No. 16, any legislator who acts in good-faith reliance upon this advisory opinion shall be immune from sanctions for conduct allowed by the opinion unless this advisory opinion is subsequently rejected by the relevant house of representatives or senate standing committees prior to the conduct in question.

A copy of this advisory opinion shall be mailed to all legislators and shall be retained in the library of the Legislative Council Service.



LINDA M. LOPEZ
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Co-Chair, Interim Legislative
Ethics Committee



NICK L. SALAZAR
State Representative, District 40
Co-Chair, Interim Legislative
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DATE: January 9, 2009

LML/NLS:kf