

January 9, 2009

The Honorable Leonard Lee Rawson  
P.O. Box 996  
Las Cruces, New Mexico 88004

Dear Senator Rawson:

This is in response to your request dated July 16, 2008 for advisory opinions from the Interim Legislative Ethics Committee on two questions. The committee has issued an opinion on your first question (see Opinion No. 08-02), but is not issuing an opinion on your second question. Pursuant to Paragraph (3) of Subsection A of Legislative Council Policy No. 16, the committee is instead issuing this letter in response to your request.

You asked about the circumstances under which it is appropriate and inappropriate for a legislator to use the state seal, the house or senate seals or artistic reproductions of each. The committee believes that it and the attorney general have already provided useful guidance on this question. ("The state seal historically has been the indicia of authority of the state." AG Opinion No. 6521, 1955. The seal "is intended to import authenticity to the fact that the item bearing the same is directly related to the sovereign state of New Mexico." AG Opinion No. 5569, 1952. "The use of the state seal (by legislators) thus should be limited to matters that relate to the conduct of official business of the state." Interim Legislative Ethics Committee Advisory Opinion No. 96-1.)


There is no statutory prohibition on the use of the state seal, but it is clear that this committee and the attorney general have limited its use as a matter of policy.


The committee understands that this standard on the use of the state seal is not binding on other public officials or candidates for public office and that a degree of inequity is created by that fact. The committee noted that there is no state statute restricting the use of the state seal. Some committee members expressed an interest in introducing such legislation in 2009, and others noted that such a statute may be subject to constitutional challenges.

In keeping with Legislative Council policy, a copy of this letter shall be mailed to all legislators and kept on file in the library of the Legislative Council Service.

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Sincerely,

  
LINDA M. LOPEZ  
State Senator, District 11  
Co-Chair, Interim Legislative  
Ethics Committee

  
NICK L. SALAZAR  
State Representative, District 40  
Co-Chair, Interim Legislative  
Ethics Committee

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