



STATE ETHICS COMMISSION

FY22 Appropriation Request to Legislative Finance Committee (Subcommittee B)

Thursday, October 1, 2020, 3:00pm

State Capitol, House Chambers

STATUTORY RESPONSIBILITIES

ADJUDICATION

- Receive, investigate, and adjudicate administrative ethics complaints filed with the SEC (32 cases adjudicated or pending since January 2020)
- Issue advisory opinions (8 since January 2020)
- Jurisdiction for: ~60,000 state officials and employees, contractors, lobbyists, candidates, etc.; and 8 statutes and Anti-Donation Clause

ENFORCEMENT

- Assess and investigate potential violations arising from agency referrals, public tips, and review of government affairs statewide
- Take action on violations in state court—enforcing ethics laws through civil litigation
- *Recent pre-filing settlement forced disclosure of \$264,000 in expenditures on campaign mailers regarding PRC ballot question

EDUCATION

- Issue proposed code of ethics for state agencies, at 1.8.4 NMAC
- Provide trainings and written advice for legislators, persons subject to Governmental Conduct Act (including those at the local level), and attorneys who practice before SEC
- Make annual recommendations for improvements to state ethics laws

FY22 REQUEST: \$900,300

- **Follows DFA's recommendation for requests that are 95% of the post-sanding FY21 appropriation**
- Allows for 5 FTEs (legal, operational, and financial staff); \$175,000 for contracts (e.g., hearing officers, IT services, auditors, special counsel, training instructors, contract attorneys and investigators); and \$102,100 for operating expenses (e.g., UNM office lease, DoIT fees, GSD fees, dues and subscriptions, IT, supplies, Commissioner per diem, and travel reimbursements).

BENCHMARKS

- The LFC's FIR for HB 4 (2019) concluded the SEC needed \$1 million in recurring expenses.
- Judicial Standards Commission had FY21 appropriations of \$912,700 (pre-sanding) and oversee complaints filed against judges (~300 statewide).
- Connecticut's Office of State Ethics, (same jurisdictional profile), had FY21 appropriations of \$1,610,143.

SELECTED TIMELINE

- Nov. 6, 2018 – Const. amendment passed
- Mar. 3, 2019 – Enabling legislation enacted
- Aug. 9, 2019 – Full Commission appointed
- Jan. 1, 2020 – Jurisdiction for administrative cases and advisory opinions commenced
- Oct. 1, 2021 – Report on jurisdictional expansion due to Legislature and Governor

MORE INFORMATION

- **Commission's Strategic Plan for FY21 and FY22:**
www.sec.state.nm.us/about/
- **Commission's Website:**
www.sec.state.nm.us
- **Commission's Administrative Case Docket and Filing System:**
<https://proceedings.sec.state.nm.us>