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**HOUSE BILL 839**

**44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999**

**INTRODUCED BY**

**Richard Vigil**

**AN ACT**

**RELATING TO STATE PERSONNEL; ALLOWING STATE PERSONNEL TO RUN FOR NON-PARTISAN COUNTY OR MUNICIPAL OFFICE WITHOUT TAKING A LEAVE OF ABSENCE.**

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:**

**Section 1. Section 10-9-21 NMSA 1978 (being Laws 1961, Chapter 240, Section 15, as amended) is amended to read:**

**"10-9-21. PROHIBITED ACTS. --**

**A. No employer shall dismiss an employee for failure or refusal to pay or promise to pay any assessment, subscription or contribution to any political organization or candidate; however, nothing contained in this section shall prevent voluntary contributions to political organizations.**

**B. No person in the personnel office or employee in the service shall hold political office except for a non-**

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1 partisan county or municipal office or be an officer of a  
2 political organization during his employment. For the  
3 purposes of the Personnel Act, being a local school board  
4 member or an elected board member of any post-secondary  
5 educational institution shall not be construed to be holding  
6 political office and being an election official shall not be  
7 construed to be either holding political office or being an  
8 officer of a political organization. Nothing in the Personnel  
9 Act shall deny employees the right to vote as they choose or  
10 to express their opinions on political subjects and  
11 candidates.

12 ~~[C. Any employee who becomes a candidate for~~  
13 ~~public office shall, upon filing or accepting the nomination~~  
14 ~~and during the campaign, take a leave of absence. This~~  
15 ~~subsection does not apply to those employees of a grant-in-aid~~  
16 ~~agency whose political activities are governed by federal~~  
17 ~~statute.~~

18 ~~D.]~~ C. The director shall investigate any written  
19 charge by any person that this section has been violated and  
20 take whatever steps deemed necessary.

21 ~~[E.]~~ D. No person shall be refused the right of  
22 taking an examination, from appointment to a position, from  
23 promotion or from holding a position because of political or  
24 religious opinions or affiliation or because of race or color.

25 ~~[F.]~~ E. No employee or probationer shall engage in

1 partisan political activity while on duty.

2 [G.] F. With respect to employees of federal  
3 grant-in-aid agencies, the applicable personnel standards,  
4 regulations and federal laws limiting activities shall apply  
5 and shall be set forth in rules promulgated by the board. "

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