



# Logistics and Resources Needed for the Legislative District or Regional Staff Offices and Operations

*Prepared for the New Mexico Legislative Council Service*



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## Acknowledgements

Several important thought leaders contributed their expertise to this report. The Focus Group (TFG) would like to thank all who were involved and the following individuals and organizations in particular.

Staff of the New Mexico Legislature were gracious with their time and expertise to help TFG develop an understanding of the unique needs, structures and priorities found in New Mexico. Raúl Burciaga and Amy Chavez-Romero provided valuable information on the structure of the New Mexico Legislature and guidance throughout the entire process. Former staff Kathleen Dexter and Jonelle Maison were generous with their time and expertise. Veronica Grace added contributions related to human resources management. Lisa Ortiz McCutcheon and Cheri Lujan shared information on constituent services. State Personnel Office staff provided helpful job classification and compensation perspectives.

Academics from the University of New Mexico (UNM) have published comprehensive and insightful reports on the issue of legislative modernization in New Mexico that helped inform the recommendations outlined in this report. Dr. Timothy Krebs and Dr. Michael Rocca jointly conducted rigorous research. Rose Rohrer with UNM's Bureau of Business and Economic Research (BBER) provided a comprehensive review of modernization in New Mexico. We are grateful for their thoughtful contributions to the topic.

Several organizations conducted research and analyzed data in parallel with TFG's efforts. Their findings were instrumental in shaping this report. TFG is grateful for the quick and thoughtful collaboration with: Research & Polling, Inc. (RPI), Architectural Research Consultants, Incorporated (ARC) and the National Conference of State Legislatures (NCSL). Their work is referenced throughout this report and included as appendices.

Legislative staff in a selection of states offered their time and shared details of their staffing models' implementations. We are grateful to legislative staff in: Alaska, Arizona, Colorado, Nevada, Utah, the Texas House of Representatives and North Carolina.

TFG acknowledges and appreciates the invaluable contributions and collaborations from all of the above-mentioned people and organizations. Thank you.

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## Executive Summary

Academic research suggests legislative staff can help increase the capacity of state legislatures to perform their functions. Outcomes associated with additional legislative staff include more effective and capable lawmaking, greater capacity for legislators to spend more time on high-impact representative duties as well as more effective bargaining and collaborating with other legislators, the governor’s office and executive agencies. While New Mexico currently employs a cadre of effective policy analysts, bill drafters, economists and others, the legislature does not provide personal or support staff to legislators during the interim period, except for leadership office. This report offers staffing model recommendations and options for the New Mexico Legislature to consider.

### There is no “one size fits all” staffing model

There is no single optimal design for how to authorize, organize and implement a staffing model. While most states provide personal staff for legislators, these states have adopted a range of models dependent on their priorities and political contexts. TFG developed and analyzed three potential staffing models and recommends a Hybrid model for deeper consideration by the legislature (see Exhibit 1).

**Exhibit 1. Three Potential Staffing Models for Personal Staff for Legislators**

	Hybrid		Regional	District
Staffing Level	3 FTE	56 FTE 0.5 staff : 1 legislator	30 FTE ~1 staff : 4 legislators	112 FTE 1 staff : 1 legislator
Location	Central	12 regional offices	12 regional offices	112 offices (likely combined when logistics allow)
Partisan/Non-Partisan	Non-Partisan	Partisan	Non-Partisan	Partisan
Job Duties	Policy support	Admin Community engagement	Admin Policy support	Admin Community engagement Policy support
Estimated Annual Cost	\$7.28M		\$4.10M	\$13.95M

### A hybrid design for a staffing model is one suggested path forward

The recommended Hybrid staffing model proposes the following: 56 partisan staff distributed across 12 regional offices supporting legislators performing administrative assistance and community engagement job duties. Additionally, three non-partisan staff focused on policy support for legislators would be located in the capitol and report to the Legislative Council Service (LCS). The model incorporates surveyed New Mexico legislators’ needs for administrative assistance, community engagement and policy work; balances partisan and non-partisan staff support; and enhances geographic access for

both constituents and legislators via regional offices while seeking economies of scale by co-locating staff. This model presents an easier initial implementation than the other models as well as the opportunity for further growth if deemed necessary by legislators. The report provides options for consideration within this model as well as outlines two other potential staffing models (referred to as Regional and District models). At an aggregate level, the estimated cost of implementing any of the three staffing models ranges from 0.04 percent to 0.15 percent of the state's fiscal year (FY) 2024 operating budget of \$9.568 billion.

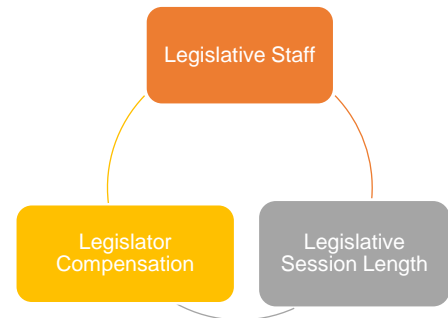
A number of sources informed the recommendations outlined in this report, including: academic and professional research; expertise from legislative staff leadership in New Mexico and a collection of other states; a survey of New Mexico legislators and legislative staff; and a dataset of available state-leased office space, among other sources.

Lastly, the provision of support staff for legislators provokes important constitutional, statutory and regulatory considerations. These include topics such as the appropriate authorizing provisions to be considered, the method of staff allocation and key ethical concerns. The report highlights these issues, provides some suggested paths forward and offers recommendations for how orientation and training can be used to reduce risks.

## Chapter 1. Introduction

Legislative modernization can help improve the capacity of the legislative branch of government to generate policy, make appropriations for the operation of state government and balance executive and judicial powers. Academic literature identifies three key components that form the foundation of legislative modernization: length of the legislative session, legislator compensation and staffing support for legislators.<sup>1</sup> States with increased levels of modernization can experience noteworthy outcomes, including more effective and capable lawmaking, greater capacity for legislators to spend more time on high-impact representative duties as well as more effective bargaining and collaborating with other legislators, the governor's office and executive agencies, among other results.<sup>2</sup>

**Exhibit 2. Elements of Legislative Modernization**



New Mexico currently ranks near the bottom of two well-known measures of legislative modernization. The Squire Index of Professionalism sums the three standard measures of professionalism (session length, staff and salary).<sup>3</sup> The Bowen and Green score measures legislative expenditures, legislator salary and session length (both regular and special sessions) from the 1973/74 biennium to the 2013/14 biennium.<sup>4</sup> When these measures are plotted together, states fall along a continuum with New Mexico near the lower range of both measures.<sup>5</sup>

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<sup>1</sup> Dr. Timothy Krebs and Dr. Michael Rocca, *A Report on Legislative Professionalism for the State of New Mexico* (Albuquerque: University of New Mexico, revised 2022). Additionally, the UNM BBER report by Rose Rohrer entitled "General Examination of Legislative Modernization in New Mexico: Prepared for the New Mexico Legislature" February 2023 identifies prior academic research on legislative modernization.

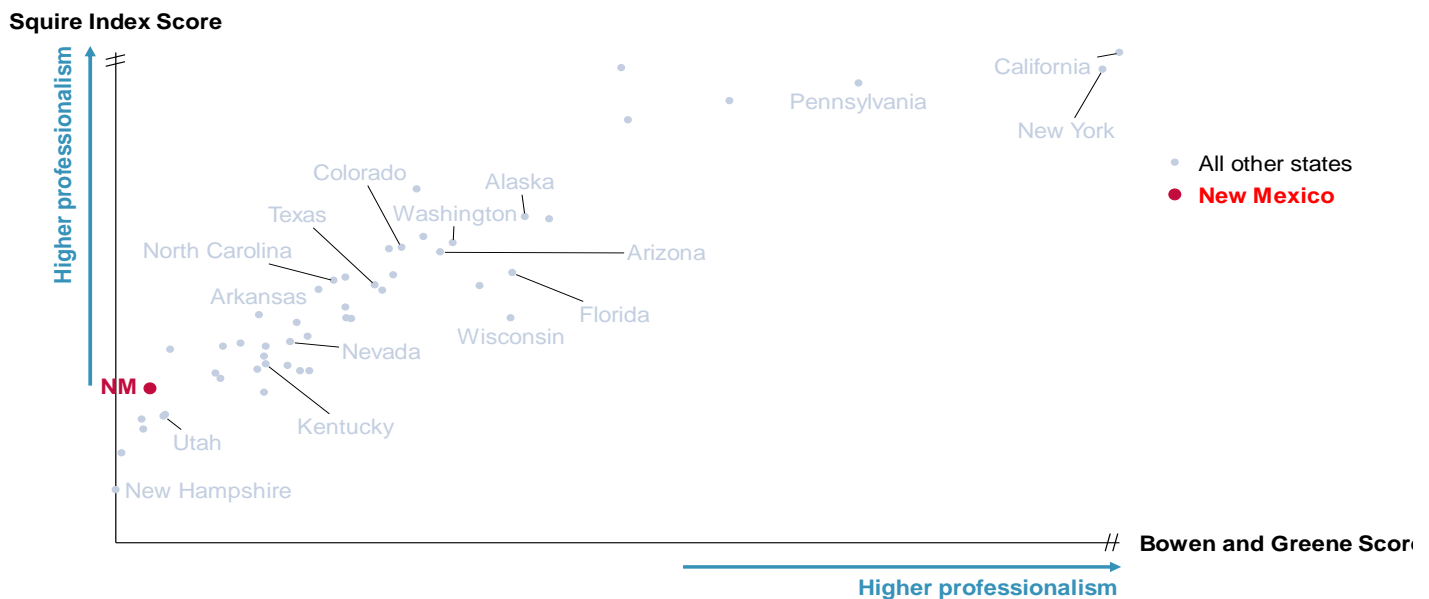
<sup>2</sup> Krebs and Rocca, *Report on Legislative Professionalism*, 2-3, 30-42.

<sup>3</sup> *Ibid.*, 8.

<sup>4</sup> Bowen, Daniel; Greene, Zachary, 2014, "[Legislative Professionalism Component Scores, V1.1.1](#)", Harvard Dataverse, V3.

<sup>5</sup> Researchers use the terms modernization or professionalism. The terms reference institutional aspects of legislatures and not the level of professionalism associated with individual staff or legislators.

**Exhibit 3. New Mexico's Ranking on Two Measures of Legislative Modernization**



Source: The Focus Group analysis of data from the Squire Index and Bowen and Greene score

In New Mexico, efforts have been under way for decades to address different aspects of modernization. Proposed statutory amendments sought to increase session length and establish legislator compensation. Academic studies and reports from UNM described the benefits of legislative modernization for New Mexico. The New Mexico voting public also appears in favor of modernization reforms – a November 2022 poll of 816 likely voters in New Mexico conducted by RPI indicated there was strong support for proposals to modernize the state legislature.<sup>6</sup> Approximately 67 percent of surveyed voters either strongly supported or somewhat supported providing a budget for legislators to hire staff to help them during the interim period.

This report focuses on one component of the modernization foundation – staffing. Appropriate and coordinated legislative staffing is a crucial, and some argue the most important component of modernization.<sup>7</sup> In other states, additional staff support for legislators has been found to increase the policy expertise of legislators, increase availability to conduct constituent services and provide a more thorough check on executive powers.<sup>8</sup> A recent study on congressional staff support found Senate staff

<sup>6</sup> Research & Polling, Inc., November 2022 report for Common Cause.

<sup>7</sup> Alan Rosenthal, *The Decline of Representative Democracy* (Washington, DC: CQ Press, 1998), p. 55.

<sup>8</sup> Rohrer/UNM BBER, "General Examination of Legislative Modernization in New Mexico." Krebs and Rocca, *Report on Legislative Professionalism*.

experience was a significant predictor of legislative effectiveness.<sup>9</sup> Although the New Mexico Legislature has a permanent staff of bill drafters, policy analysts and others, individual legislators do not have their own staff to support them in their work during the interim. According to a dataset comparing legislative staff in different states, in 2015 New Mexico had the highest number of session-only staff (506) but ranked 15<sup>th</sup> lowest among states for the number of permanent staff (168), indicating a potential need for more support during the interim. New Mexico ranked in the bottom half of states for total staff (session and permanent) per legislator.<sup>10</sup> While research and practice suggest the potential impact of providing personal staff for legislators, key ethical concerns as well as constitutional and statutory requirements present important considerations that should be addressed.

This report contributes recommendations for how New Mexico might provide personal staff to legislators considering the operational, budgetary and statutory implications for three staffing models. An overview of potential office locations and estimated costs for each potential staffing model provides additional logistical and budgetary context for potential implementation. Recommendations for orientation and training of staff are also presented as well as methods to mitigate potential risks.

## Methodology

Quantitative and qualitative data were analyzed from several sources for this report. TFG conducted a review of research literature on legislative modernization. Academics from UNM as well as experts from NCSL were consulted during semi-structured interviews. Two recent studies on legislative modernization in New Mexico authored by UNM academics informed the research.<sup>11</sup> RPI surveyed New Mexico legislators and legislative staff. A summary of legislator survey findings is included in this report, and the entirety of both survey reports are found in Appendix A. A review of relevant New Mexico statutes, policies and procedures provided an overview of the statutory and regulatory landscape related to legislative staff, partisan and non-partisan issues as well as ethical concerns. A memo on year-round, capitol-based legislative staff outlined current staffing roles and responsibilities and informed this report's understanding of the organizational structure of the New Mexico Legislature. (See Appendix E for the full report.) A dataset compiled by ARC on available office space statewide helped determine recommendations on office locations. (See

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<sup>9</sup> Emily Cottle Ommundsen, "The Institution's Knowledge: Congressional Staff Experience and Committee Productivity," *Legislative Studies Quarterly*, 48, no. 2 (May 2023).

<sup>10</sup> Krebs and Rocca, *Report on Legislative Professionalism*, 13.

<sup>11</sup> Krebs and Rocca, *Report on Legislative Professionalism* and Rohrer/UNM BBER, "General Examination of Legislative Modernization in New Mexico."



Appendix B for the full report.) TFG interviewed legislative staff leaders from other states to understand their staffing structures and glean helpful lessons for New Mexico to consider. The methodology used to select states is further discussed in Chapter 2. State Comparisons. Cost estimates for each staffing model encompass fully burdened costs for personal staff and shared services staff; office space, utilities and supplies; and per diem and mileage expenses. These combined sources of information served as the inputs to determine the recommended staffing models.

## **Definitions**

Key terms and phrases are used throughout this report to refer to legislative modernization, personal staff, administrative assistance as well as partisan, non-partisan and electioneering activities. The following is a set of definitions for these key terms and phrases, to establish a shared understanding of their meaning.

*Legislative modernization or professionalism* – Modernization refers to ways to increase the capacity of the legislature, including legislator compensation, legislative session length and legislative staffing. This report refers to modernization as a reflection of institutional qualities rather than personal characteristics of legislators and staff or degrees of professionalism as more commonly understood in a non-academic context. Some researchers use the term professionalism, and others use modernization. While there may be nuanced differences between these terms, for the purposes of this report they are used interchangeably.

*Personal or support staff* – NCSL defines personal staff as “staff that work directly for a state legislator or as part of a small team reporting directly to a legislator. The legislator provides supervision and direction of the staff’s work product. Their workplace might be located at the capitol or at a district office.”<sup>12</sup> This report will refer to personal staff, support staff and staffers interchangeably. Some states use titles such as “legislative aides” or “assistants”.

*Administrative assistance* – This includes help answering emails, setting up meetings, calendar management and associated activities. It does not include accounting, procurement or information technology (IT) support.

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<sup>12</sup> National Conference of State Legislatures, “Approaches to Personal Staffing” July 2023.

*Partisan Activity*<sup>13</sup> means an activity directed toward the success or failure of political objectives or initiatives while serving in an official capacity for and using resources provided by the State of New Mexico.

*Non-Partisan Activity* means an activity directed toward the execution of prescribed job duties, performed impartially when tasks may be related to partisan activity, while serving in an official capacity for and using resources provided by the State of New Mexico.

*Electioneering Activity*<sup>14</sup> means an activity directed toward a desired electoral outcome for a particular candidate, party or ballot issue encompassing modes of voter persuasion, including: attending and participating in campaign events and activities; fundraising for campaigns; displaying or distributing campaign materials in any medium; and soliciting votes for or against a candidate, party or ballot issue.

## **Report Outline**

The following is an outline of the subsequent chapters of this report:

Chapter 2 provides an overview of lessons learned from a selection of other states as well as the methodology used to select these states.

Chapter 3 summarizes the results from a survey of legislators conducted by RPI in September 2023. These results informed the recommended staffing models.

Chapter 4 outlines three staffing models for New Mexico to consider as well as a description of the methodology used to select these models.

Chapter 5 reviews options for how staff could be allocated as well as managed.

Chapter 6 reviews the distribution of staff offices in regions or districts as well as staffing levels in these offices using data on available office space collected by ARC.

Chapter 7 describes the estimated costs associated with implementing each model.

Chapter 8 reviews potential authorizing provisions to consider that would enable staffing model implementation.

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<sup>13</sup> Reference *Partisan Activity*, [5 CFR § 734.101 – Definitions](#).

<sup>14</sup> Reference [Electioneering](#), Legal Information Institute sponsored and hosted at the Cornell Law School.

Chapter 9 outlines key orientation and training requirements for new staff with a particular consideration of ethical issues of relevance.

Chapter 10 includes a discussion of key risks and potential mitigation strategies.

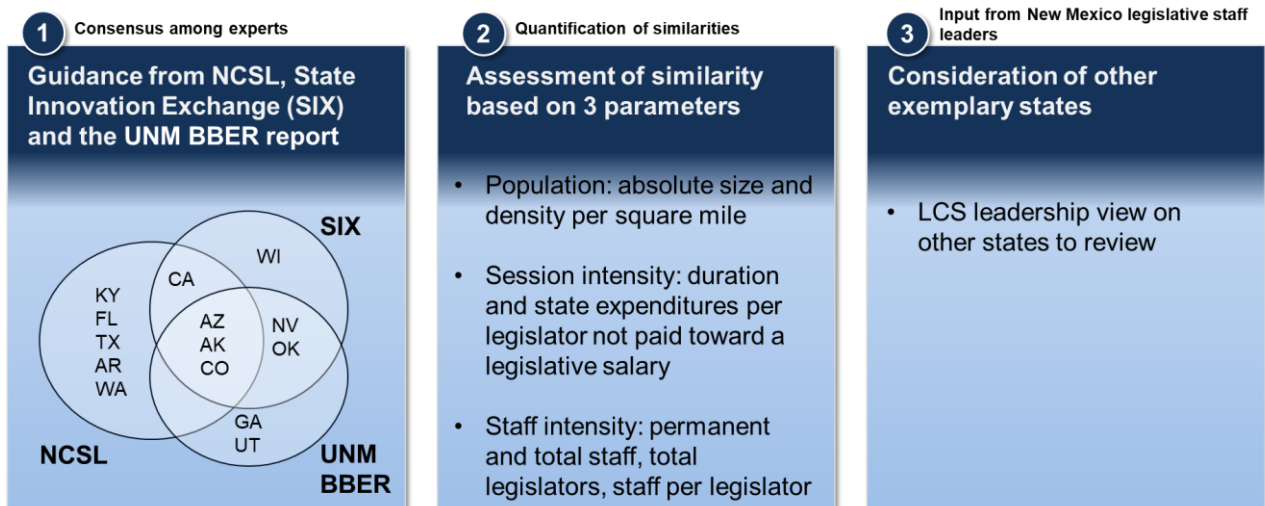
## Chapter 2. State Comparisons

In most states, personal staff work with legislators during the legislative session and interim period. In 2010, NCSL surveyed 99 chambers in 50 states and found 61 chambers reported that legislators employ personal staff.<sup>15</sup> A follow-up 2023 NCSL memo on approaches to personal staff reported New Mexico was one of 10 identified states that did not provide personal staff support to its legislators.<sup>16</sup> Without a more recent survey of all states it is difficult to know how many states currently employ personal staff for legislators, but it appears New Mexico is among the minority.

For this report, TFG conducted a comparative review of the structures, policies and procedures related to personal staff for legislators in a selection of states. States reviewed had staffing structures of different kinds. Some employed partisan staff, while others employed non-partisan staff. Some states located staff in district offices, while others placed staff in central locations. There is an opportunity for New Mexico to learn from other states about their personal staffing structures, given that research suggests the critical role of staff support in increasing legislative capacity and there is no single optimal model design.<sup>17</sup>

### Methodology for Selecting States

**Exhibit 4. Process for Selecting States for Comparison**



<sup>15</sup> National Conference of State Legislatures, *Summary of Personal Staff Survey*, January 2010.

<sup>16</sup> The other states are Maine, Montana, New Hampshire, Rhode Island, South Dakota, Utah, Vermont, Arkansas and Wyoming. NCSL.

<sup>17</sup> Krebs and Rocca, *Report on Legislative Professionalism*, 3.

A three-step process guided the selection of states for this study. First, expert guidance was collected from NCSL, UNM's BBER and the State Innovation Exchange to create a shortlist of 14 states. Next, TFG compared these 14 states based on population (both absolute size and population density per square mile), legislative session length and staff-to-legislator ratios, selecting those that more closely resembled New Mexico. For a detailed comparison of these states based on population, session length and staffing levels, see Appendix D. Lastly, input from LCS leadership refined the list to identify states appropriate for consideration. Based on this process, the following states were selected: Alaska, Arizona, Colorado, Nevada, Utah, the Texas House of Representatives<sup>18</sup> and North Carolina.

### **Findings from State Comparisons**

TFG conducted semi-structured interviews with legislative staff leaders in these seven states to understand the perceived value of personal or support staff, the details of staffing models and the implementation approach used by states.

Six broad and common themes emerged across the states and provided insight for New Mexico to consider.

*1. Non-partisan, centrally located legislative staff play a critical and distinct role from personal staff.*

All states employ non-partisan legislative staff. These staff are crucial engines of productivity powering state legislatures across the country. Their duties include bill drafting, policy research, program evaluation, economic forecasting, document production, bill tracking, library services, fiscal and economic analysis and a range of administrative duties such as human resources (HR) and accounting. Additional personal staff, whether partisan or non-partisan, can offer a complementary set of supports for legislators and should not replace the functions already established.

*2. Five broad characteristics delineate personal staff models.*

These include: (i) staffing capacity or how many staff support how many legislators; (ii) office location for personal staff; (iii) whether staff are partisan or non-partisan; (iv) how staff are allocated and who manages and oversees them; and (v) the particular job duties of staff. States made different decisions regarding these characteristics.

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<sup>18</sup> The Texas Senate was contacted but as of the publication of this report did not reply to requests for an interview.

3. *There is no “one size fits all.”*

States have adopted a range of staffing models dependent on their priorities and political contexts, indicating there is no one optimal design. One academic interviewed for this project stated, “There are 50 states and there are 50 ways of doing things. There is no one way which is the best.” While some states interviewed for this report explicitly employed partisan legislative aides (i.e., Colorado, Utah and the House of Representatives in Texas), there is also an example of a well-functioning non-partisan staffing model in Arizona. Alaska and the Texas House of Representatives award legislators a staffing budget to be used as they wish. In Colorado, legislators receive a certain number of hours for aides. Legislators can decide how many staff to hire and at what level and job duty. Some states provide one staffer for up to five legislators (e.g., Alaska), while other states offer up to two staffers for each legislator (e.g., Colorado). While most states locate staff at the capitol, in Texas representatives can have both regional and capitol offices. Administrative assistance is the most common job duty for personal staff but staff in some states also provide policy support and community engagement.

4. *Staffing models often need adjustment.*

States encounter opportunities and challenges and sometimes need to redefine the job duties of staff or the appropriate lines of reporting and oversight. This implies:

- The staffing model needs to be designed to accommodate flexibility to adapt to changing organizational requirements.
- The need for fine-tuning may be higher in the initial years as the organization adapts to the new staffing model.

5. *Effective oversight protects staff and legislators.*

Public employees are obligated to adhere to state laws with regard to what they are permitted to do and how they conduct themselves. Both personal staff and legislators need to understand what is required and prohibited, and how to seek support when necessary. In Colorado, an Executive Committee of the Legislative Council has authority over policies governing the employment of legislative aides, and the secretary of the Senate and the chief clerk of the House are granted primary administrative responsibility. Utah relies on an oversight committee with members from various legislative offices to coordinate shared services. Texas recently created an ombud position to help train all legislative staff and investigate any complaints.

6. *Legislators and legislative staff see value in providing personal staff to legislators.* All of the legislative staff interviewed perceived value in personal staff support to improve legislative capacity. This is consistent across party lines. As noted above, academic research supports this finding. A 2021 study from UNM on legislative modernization found “additional staff support is the best way to increase legislative capacity.”<sup>19</sup> One legislative staff leader interviewed for this project put it simply, stating, “The workload is usually so high that all legislators eventually appreciate the extra help they get offered.”

Particular staffing approaches reflective of individual state contexts were also collected during interviews with state legislative leaders. Exhibit 5 compares the state approaches based on staff location, staff job duties, authorizing provision, governance and staff capacity.

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<sup>19</sup> Krebs and Rocca, *Report on Legislative Professionalism*, 3.

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**Exhibit 5. Comparison of Personal Staff Structures in Selected States**

State	Staff Location	Job Duties	Authorizing Provision	Governance	Staffing per Legislator
Alaska	Capitol + district	<ul style="list-style-type: none"> <li>Admin support</li> <li>Community engagement</li> <li>Constituent services</li> <li>Communications</li> </ul>	Statute outlines compensation for House and Senate employees.	Hiring authorities during session are the chairs of Senate and House rules committees. During interim, it is the president of the Senate or the speaker of the House. Legislator requests an employee hire from appropriate entity.	Legislators receive points based on seniority, which translate into salary for personal staff. Legislators hire staff at different levels.
Arizona	Capitol	<ul style="list-style-type: none"> <li>Admin support</li> <li>Community engagement (rarely)</li> <li>Constituent services</li> <li>Policy research</li> </ul>	Members' assistants are established by the presiding officer of each chamber.	Dedicated partisan supervisors of staff in each chamber who serve as official managers. Legislator plays important role.	1:1 and sometimes 1:2, especially if the legislator is new to the role, plus policy aides (shared pool of 8 plus lead).
Colorado	Capitol	<ul style="list-style-type: none"> <li>Admin support</li> <li>Constituent services</li> <li>Communications</li> </ul>	Joint rule outlines role of aides and numbers.	Legislator hires staff.	Up to 2:1 but legislators are required to "bank" a certain number of staff hours for the session.
Nevada	Work from home (interim)	<ul style="list-style-type: none"> <li>Admin support</li> <li>Community engagement</li> <li>Constituent services</li> <li>Communications</li> <li>Policy research</li> </ul>	An appropriation for additional staff was added to the Legislative Counsel Bureau budget. No specific statute or policy.	Caucus leader hires interim staff.	1 staffer per caucus for a total of 4.
North Carolina	Capitol	<ul style="list-style-type: none"> <li>Admin support</li> </ul>	Statute outlines duties of the Legislative Services Commission, which houses the legislative aides.	Legislator hires staff.	1:1
Texas House of Representatives	Capitol + district	<ul style="list-style-type: none"> <li>Admin support</li> <li>Community engagement</li> <li>Constituent services</li> <li>Communications</li> <li>Policy research</li> </ul>	Constitution sets up authority for House and Senate to exist and to operate as a body with staff. House resolution describes details.	Legislator hires staff. House supports with HR.	Legislators receive a budget and can hire as they wish within the budget.
Utah	Capitol	<ul style="list-style-type: none"> <li>Admin support</li> <li>Constituent services</li> <li>Communications</li> <li>Policy research</li> </ul>	Statute outlines broad legislative staff but no specifics on aides.	Legislator hires with support from central HR office.	~ 1:6 or 7, differs by House and Senate.



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## Chapter 3. Results from Survey of New Mexico Legislators

As part of efforts to assess the logistics and resources needed to provide support staff to legislators in New Mexico, LCS contracted with RPI to survey New Mexico legislators as well as legislative staff. The surveys provide a snapshot of legislator opinions, needs and preferences as well as legislative staff input. Reports from RPI are included in Appendix A. Responses from the legislator survey were used as direct inputs for designing the staffing models. Therefore, a summary of those results is included here. Results from the legislative staff survey in Appendix A indirectly influenced staffing model design.

All 112 New Mexico legislators received the 24-question survey in September 2023. A majority of legislators (78 legislators or about 70 percent) responded to the survey. This is an increase from the 38 percent response rate from an August 2022 survey of New Mexico legislators completed by UNM's BBER. This increased response rate permits a more comprehensive analysis of legislators' opinions and needs. Approximately 73 percent of all Democratic lawmakers and nearly 64 percent of Republican lawmakers responded to the survey.

To allow for both quantitative and qualitative analysis, the legislator survey included both close-ended and open-ended questions. Close-ended questions were based on a five-point Likert scale indicating levels of support (strongly support, support, neutral, oppose, strongly oppose). Surveys were emailed to legislators. The survey sought to address the following key questions:

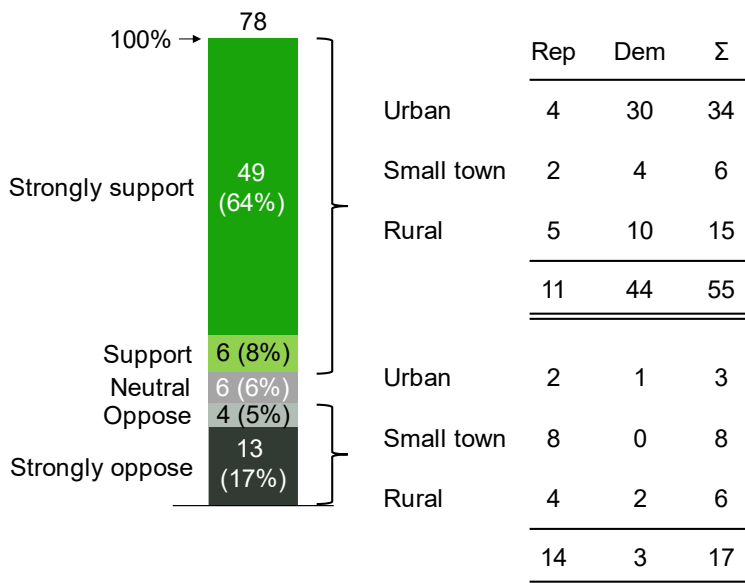
1. What is the overall level of support for hiring new staff? How does this support break down across party lines, geography and chamber?
2. How much time do legislators devote during the interim to various tasks?
3. Do legislators feel adequately supported in performing their legislative duties?
4. What specific tasks could be delegated to new staff and to what extent?
5. If personal staff were available, what areas of work would legislators be able to focus on more?
6. Do legislators have specific concerns or preferences with regards to the staffing model (e.g., allocation and management models, location, job duties, etc.)?

### Key Findings from Survey of New Mexico Legislators

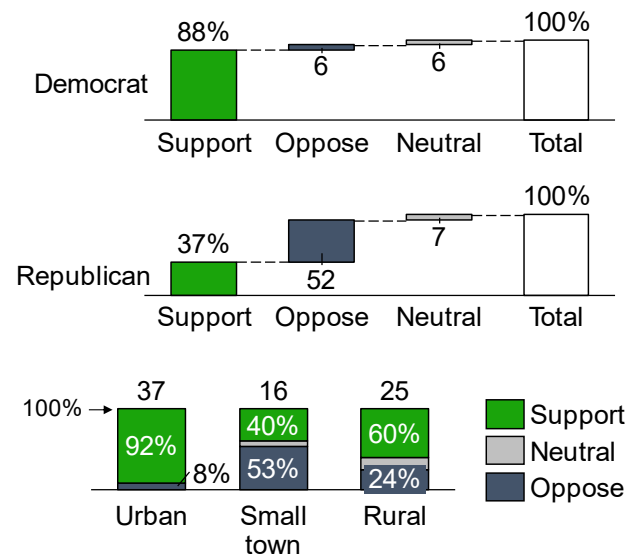
The survey results indicate a majority of legislators support hiring personal staff for approximately 20 hours per week to assist them in a few core job duties. Additionally, the results highlight the need for a staffing model that balances efficiency and value with ease of management, oversight of potential ethical breaches, presence in local districts, legislator support and avoidance of duplication of job duties with current legislative staff. The following provides additional details on these core findings.

1. A majority of surveyed legislators are in favor of providing support staff for legislators. Of legislators surveyed, approximately 71 percent either strongly support or support the addition of personal staff to assist them in their legislative jobs. Nearly one quarter (22 percent) of surveyed legislators oppose or strongly oppose adding personal staff.

**Exhibit 6. Levels of Support for Adding Personal Staff for New Mexico Legislators from Surveyed Legislators**



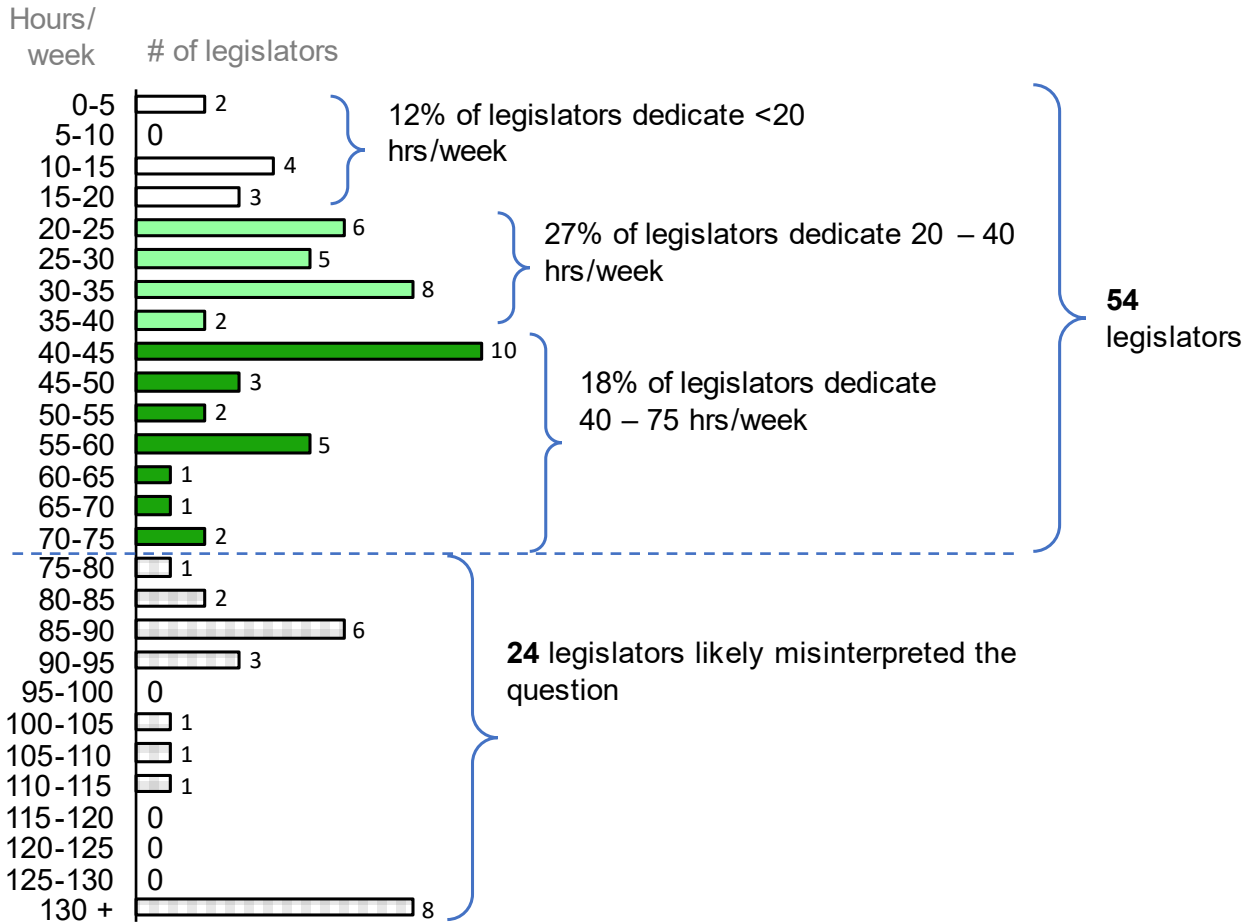
**Exhibit 7. Level of Support for Adding Personal Staff by Party Affiliation and Geography**



Support for personal staff falls mostly along party lines. Democratic lawmakers are overwhelmingly in favor of adding personal staff while Republicans showed more mixed support with 37 percent supporting and 52 percent opposing. Support is also stronger among urban and rural legislators than those representing small towns. Both House (66 percent) and Senate (76 percent) members who replied to the survey are supportive of adding assigned staff to assist legislators in their duties.

2. *Surveyed legislators estimate needing 20 hours per week of personal staff support.* Approximately 44 percent of legislators responding to the survey said that staff support equivalent to 20 hours per week (excluding legislative sessions) would help them perform their jobs more effectively. Legislators report spending an average of 38 hours per week on legislative work. However, there was a significant range from zero to 130 hours.<sup>20</sup>

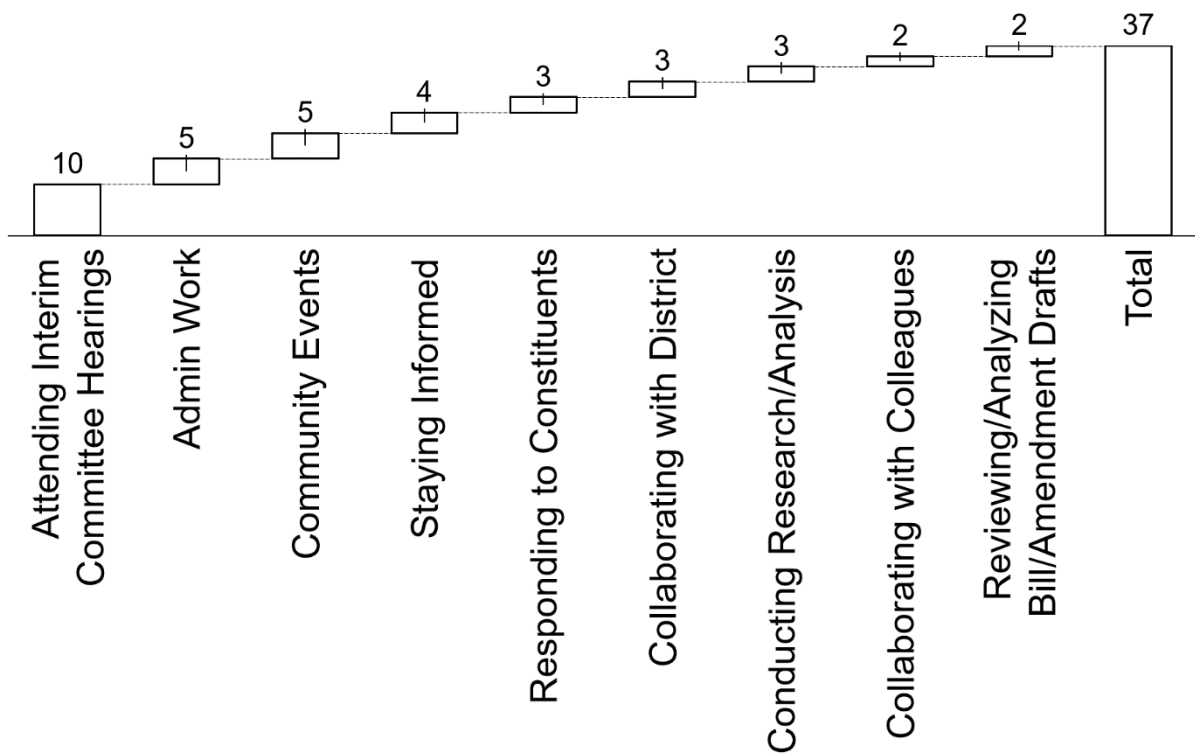
**Exhibit 8. Time Spent Per Week on Legislative Work by Surveyed Legislators**



<sup>20</sup> It is likely that 24 legislators may have misinterpreted the question, perhaps referencing the amount of time spent on legislative work during session, since they reported spending more than 75 hours per week on legislative work, an extremely heavy and unlikely workload for the interim. Therefore, for this analysis, these responses were omitted.

For those legislators who reported spending less than 75 hours per week on legislative work, attending interim committee hearings took up the largest amount of time, an average of 10 hours per week during the interim. Completing administrative work and attending community events were the next most time consuming (an average of five hours weekly spent on each activity). Staying informed, responding to constituents, collaborating within their districts and conducting research and analysis all required an average of three to four hours weekly. Lastly, legislators reported spending on average two hours weekly on either collaborating with colleagues or reviewing drafts of bills or amendments.

**Exhibit 9. Time Spent in Hours per Week on Legislative Work by Surveyed Legislators**

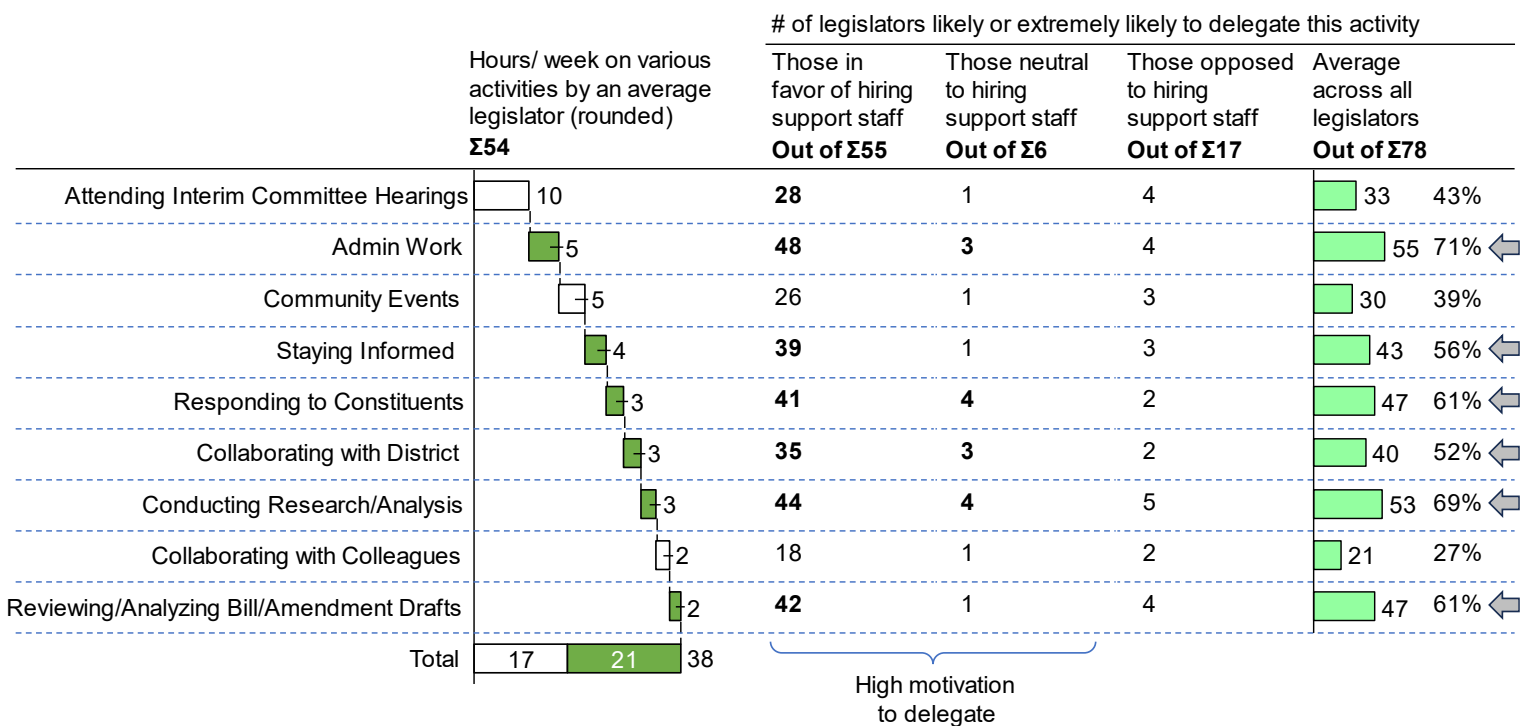


3. *Of those in support, legislators envision personal staff assisting with the following core job duties: providing administrative support; conducting research and analysis; engaging in constituent services; reviewing bills and amendment drafts; and staying abreast of current events.*

Motivation to delegate activities is high among legislators. Approximately 70 percent of legislators were likely or extremely likely to delegate administrative work to a staffer. Conducting research and analysis was another activity that was likely to be delegated (by 69 percent of surveyed legislators).

Given the additional time that would be made available to legislators if additional staff were hired, legislators indicated they would dedicate the freed-up time to deepen their impact in community engagement and policy research.

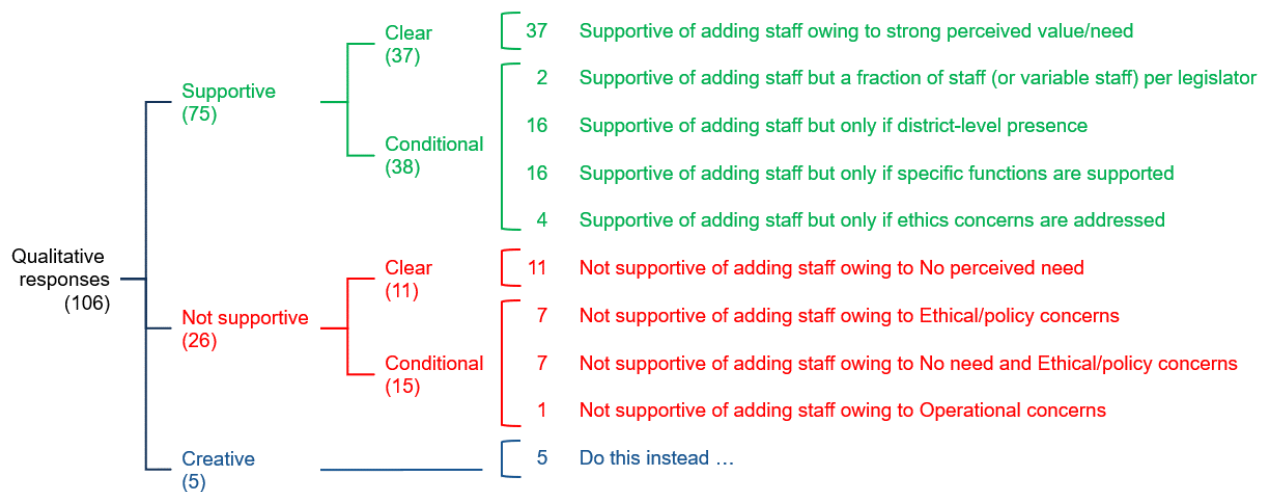
**Exhibit 10. Support for Delegating Specific Job Duties by Surveyed Legislators**



4. *Surveyed legislators provided rich qualitative responses highlighting ethical concerns; varying needs for support staff; and considerations for location implementation.*

Open-ended survey responses provided additional detail about legislator opinions and preferences. These answers were categorized by whether they were supportive of adding additional staff, opposed to it or proposing an alternate solution. Certain responses were categorized as conditional to indicate respondents would have supported additional staff if certain conditions did or did not exist. For example, “if these negative conditions were eliminated, I would be more supportive of hiring additional staff” or “if this positive condition is created, I would be more supportive.”

**Exhibit 11. Analysis of Open-Ended Legislator Survey Response Questions**



## Chapter 4. Staffing Models

A staffing model outlines how and where personal staff for legislators would work. The model should be effective in supporting legislators; be flexible and easy to manage; ensure appropriate ethical oversight; have legislator support; and be cost effective. The legislator survey, academic literature, lessons learned from other states and legislative staff leadership expertise informed the selection of these priorities. The models outlined in this report seek to balance these priorities while also avoiding duplication of efforts or absorbing duties of existing legislative agencies' organizations. States researched for this report created staffing models based on their unique priorities, political exigencies and provisional or organizational constraints. Additionally, some states' personal staffing models and solutions have evolved over time as priorities, context and resource availability have changed.

### Priority Features of a Staffing Model for Personal Staff for Legislators

- Effectiveness
- Flexibility
- Ease of management
- Ease of ensuring ethical oversight
- Support by legislators
- Cost effectiveness

Note: These priorities were derived from results from the legislator and staff surveys as well as research collected from academics and other states.

TFG identified three staffing models, from an initial set of five, for further review and assessed their potential suitability via a weighted qualitative ranking methodology further discussed below. The exhibit below summarizes the three potential staffing models for New Mexico. Estimated cost data, which include estimated incremental administrative costs, are summarized in the exhibit below and detailed further in Chapter 7, Cost. TFG identified a relatively low magnitude of impact<sup>21</sup> for any of the three proposed models upon the state's overall budget.

TFG recommends implementing the highest-scoring model: a Hybrid approach with 56 partisan full-time equivalents (FTEs) distributed over 12 regional offices, supplemented with an incremental three non-partisan policy staff situated in Santa Fe reporting to LCS. This chapter describes each model followed by the methodology used to define and select the models.

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<sup>21</sup> According to the [State of New Mexico Budget in Brief](#), accessed October 2023, New Mexico's FY24 General Fund operating budget is \$9.568B. The recurring legislative budget accounts for \$33.1M, or .36% (i.e., approximately one-third of one percent).

**Exhibit 12. Three Staffing Models for Personal Staff for New Mexico Legislators**

	Hybrid		Regional	District
Staffing Level	3 FTEs	56 FTEs 0.5 staff : 1 legislator	30 FTEs ~1 staff : 4 legislators	112 FTEs 1 staff : 1 legislator
Location	Central	12 regional offices	12 regional offices	112 offices (likely combined when logistics allow)
Partisan/Non-Partisan	Non-Partisan	Partisan	Non-Partisan	Partisan
Job Duties	Policy support	Admin Community engagement	Policy support Admin	Admin Community engagement Policy support
Estimated Annual Cost	<b>\$7.28M</b>		<b>\$4.10M</b>	<b>\$13.95M</b>

**Model Descriptions**

*Hybrid Model*

The Hybrid model includes the addition of three non-partisan staffers to focus on policy work as part of LCS. In the survey, legislators identified working six hours weekly on policy-related work; TFG estimates four of these hours could be delegated to a staffer. These hours were then multiplied by 112 legislators, yielding 11.2 FTEs. However, TFG recommends taking a more phased-in approach to growth given that there may be opportunities to better inform legislators regarding available support already provided by

**Exhibit 13. Description of Hybrid Staffing Model**

Staffing Level	3 FTE	56 FTE 0.5 staff : 1 legislator
Location	Central	12 regional offices
Partisan/Non-Partisan	Non-Partisan	Partisan
Job Duties	Policy support	Admin Community engagement
Estimated Annual Cost	<b>\$7.28M</b>	



LCS, LFC and LESC, as indicated in an August 2022 survey of legislators.<sup>22</sup> Therefore, TFG recommends beginning with three FTEs and then expanding the staff if needed.

Principally, the model provides for 56 partisan FTEs, or 0.5 FTE per legislator, allocated across 12 regional offices in New Mexico. The need for 56 partisan FTEs was determined based on needs identified in the legislator survey. The survey found legislators average five hours per week on administrative work, which could be delegated to staff. Legislators also spend approximately eight hours per week on community engagement. Survey results indicated legislators expressed a need for 20 hours of staff support per week. Therefore, to model a legislator need of 20 hours per week, TFG proportionally allocated eight hours to administrative work and 12 hours to community engagement. These hours are multiplied by 112 legislators, which is equivalent to 22.4 FTEs focused on administrative assistance and 33.6 FTEs on community engagement for a total of 56 FTEs. Put another way:  $56 \text{ FTEs} = [(8 \text{ hrs per week} \times 112) + (12 \text{ hrs per week} \times 112)] / 40 \text{ hours per FTE}$ .

These partisan staff would perform administrative and community engagement duties at the direction of the legislator. Each regional office will vary in size and serve both House and Senate districts. Except for 22.5 FTEs in the proposed Albuquerque office, regional offices range from 1 to 5.5 FTEs. The recommended regional offices and allocations are summarized in Exhibit 14, and Chapter 6 Location provides additional details on this distribution. TFG selected 12 potential office locations to inform cost estimates. However, legislators may opt for different locations in order to balance additional priorities.

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<sup>22</sup> [General Examination of Legislative Modernization in New Mexico](#), accessed October 2023.

**Exhibit 14. Potential Office Distribution – Hybrid Model**

Proposed Location	Districts Served			Allocated FTE
	Senate	House	Total	
Santa Fe	5	6	11	5.5
Albuquerque	16	29	45	22.5
Las Cruces	4	7	11	5.5
Carlsbad	2	5	7	3.5
Grants	2	3	5	2.5
Alamogordo	3	3	6	3
Farmington	3	5	8	4
Moriarty	2	2	4	2
Raton	2	3	5	2.5
Clovis	1	3	4	2
Socorro	1	1	2	1
Deming	1	3	4	2
			<b>112</b>	<b>56</b>

Legislators would be empowered to select their own 0.5 FTE, which may result in one individual working 20 hours per week for a single legislator. Alternatively, legislators whose districts are co-located in a regional office may pool their resources and jointly select a single full-time individual to serve two legislators, or any combination in increments of 0.5 FTE (e.g., 2:4, 2.5:5). Finally, legislators may elect not to work with personal staff. The associated budget allocation for their personal staff would revert to the appropriate fund based on law or practice.

TFG recommends New Mexico consider this Hybrid model for implementation. The model incorporates legislators’ needs for administrative assistance, community engagement and policy work; balances partisan versus non-partisan support; and enhances geographic access for both constituents and legislators via regional offices. If legislators find they need more support for policy work, those job duties could be added in the future. If additional policy support is needed, TFG recommends adding non-partisan policy support to LCS’s current organization in Santa Fe, and partisan policy support to regional offices.

TFG believes this model optimally achieves the priorities described at this chapter’s onset. It effectively meets current needs expressed by legislators while offering flexibility for them to select the level of support by fully using, pooling or returning a budgeted allocation. Regional office locations assigned by district ensure additional flexibility for pooling resources and maintaining staff continuity amidst potential legislative turnover. Ethical oversight is easier to manage across 12 regional offices than, for example, 112 distinct district offices. Ensuring personal staff avoid inadvertently engaging in electioneering activity while serving in an official capacity for and using resources provided by the state is

paramount. This model allows for personal staff to engage in partisan activities, which will more likely meet the daily needs of legislators and engender their support. Finally, with an estimated cost of \$7.28M per year, TFG believes this model is efficient and offers opportunities for further evolution into more advanced models that may require additional investment.

The two other potential staffing models are described below.

*Regional Model*

This model recommends adding 30 non-partisan FTEs distributed across the same 12 regional offices as the Hybrid model. Each legislator would receive support from approximately 0.25 FTE.<sup>23</sup> Chapter 6 Location provides additional details on this distribution. These non-partisan FTEs would provide administrative assistance and policy support. There are fewer FTEs in this Regional model due to the amount of non-partisan work activities personal staff could conceivably perform. Using the same proportional approach as the Hybrid model, TFG assumes all seven hours of administrative work could be performed by non-partisan staff. Per the survey results, legislators also average six hours per week on policy-related work activities. As above, TFG estimates personal staff could absorb four of the six hours. These hours were then multiplied by 112 legislators, yielding 30.8 FTEs. Put another way:  $[(7 \text{ hrs per week} \times 112) + (4 \text{ hrs per week} \times 112)] / 40 \text{ hours per FTE} = 30.8 \text{ FTEs}$ .

These non-partisan staff would perform their administrative and policy support duties at the direction of multiple legislators. Because community engagement activities may frequently entail advocating a particular partisan position, non-partisan regional staff would be unable to perform such duties. As with the Hybrid model, regional staff would be distributed among the same 12 offices summarized in Exhibit 16 and detailed further in Chapter 6 Location. Again, these office locations were selected to enable cost modelling, but different locations could also be identified.

**Exhibit 15. Description of Regional Staffing Model**

Staffing Level	30 FTE ~1 staff : 4 legislators
Location	12 regional offices
Partisan/Non-Partisan	Non-Partisan
Job Duties	Policy support Admin
Estimated Annual Cost	<b>\$4.10M</b>

<sup>23</sup> 30 FTEs / 112 legislators ≈ .2678 FTE ≈ 10.71 hours per week.

**Exhibit 16. Potential Office Distribution – Regional Model**

Proposed Location	Districts Served			Allocated FTE
	Senate	House	Total	
Santa Fe	5	6	11	3
Albuquerque	16	29	45	12
Las Cruces	4	7	11	3
Carlsbad	2	5	7	2
Grants	2	3	5	1
Alamogordo	3	3	6	2
Farmington	3	5	8	2
Moriarty	2	2	4	1
Raton	2	3	5	1
Clovis	1	3	4	1
Socorro	1	1	2	1
Deming	1	3	4	1
			<b>112</b>	<b>30</b>

Due to their non-partisan, pooled nature, TFG recommends staffers employed in this model report to LCS, with legislators participating in the interview and selection processes for the districts they represent. While legislators may elect not to work with personal staff as in the Hybrid model, the combination of non-partisan, pooled staff amounting to fewer FTEs likely makes budgetary allocations to legislators untenable (see Chapter 5 Allocation and Management of Staff).

While this Regional model is the most cost efficient at an estimated \$4.10M annually, and fewer incremental staff may be easier to manage from an administrative perspective (30 FTEs vs 56 FTEs), TFG believes there are trade-offs worth considering. First, per Exhibit 16 above, six of 12 offices in the Regional model would have a single FTE, which complicates ethical oversight. Were the 12 offices consolidated to make oversight easier to manage, rural constituents would lose access to personal staff, and legislators' travel demands to meet with staffers in person would increase substantially. In addition, non-partisan policy support already exists in Santa Fe within LCS, and it is unclear if there is additional value to be gained from support staff performing policy work in a regional office location. Finally, this model is less likely to directly address the needs of legislators per their survey responses. As an example, community engagement activities are absorbed by staff in the Hybrid model, but unaddressed in this Regional model due to capacity and non-partisan constraints.

### *District Model*

For this model, each legislator would have a budgetary allocation for a personal staffer located in the legislator’s district office or co-located with other staffers at the legislator’s discretion. Potential office availability is discussed further in Chapter 6 Location. The staff would provide administrative assistance, community engagement and policy support as needed by legislators. Personal staff would serve exclusively at the pleasure of the legislator, who would maintain full authority with respect to job duties and assignments as well as staff selection and termination. TFG recommends that LCS support legislators in this model with a shared services approach encompassing administrative services related

to HR, payroll, IT, training and other functions currently centralized. Much like for partisan staff in the Hybrid model, legislators may elect not to work with partisan personal staff. The associated budget allocation for their staff would be returned to the appropriate fund based on law or practice.

The District model is most attractive for its flexibility and high degree of legislator optionality. The approach taken by the Texas House of Representatives (see Chapter 2 State Comparisons), which is most comparable to the District model, is compelling and stable, having been in place since the 1990s. However, the New Mexico Legislature may not need such an extensive solution at this time. While approximately 53 percent of surveyed legislators identified a preference for having one dedicated staff assigned to them, survey results generally indicate a need for 0.5 FTE, not full-time support. Ensuring ethical oversight would also be most difficult in the District model. The model is also most difficult to manage, as office locations and staffers would likely experience turnover to a similar degree as legislators themselves, increasing central administrative burden. The scale and scope of the District model is reflected in its estimated annual cost of \$13.95M. While relatively low on an absolute basis, the estimate cost is 1.92x higher than the recommended Hybrid model and 3.40x greater than the Regional model. The District model may suit New Mexico in the future as its legislative needs evolve and grow.

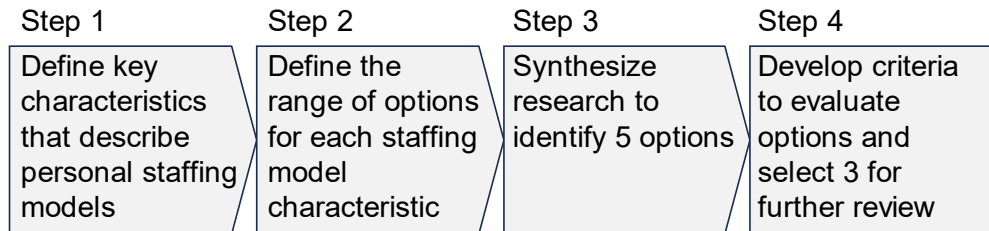
**Exhibit 17. Description of District Staffing Model**

Staffing Level	112 FTE 1 staff : 1 legislator
Location	112 offices (likely combined when logistics allow)
Partisan/Non-Partisan	Partisan
Job Duties	Admin Community engagement Policy support
Estimated Annual Cost	<b>\$13.95M</b>

## Methodology

To identify these three staffing models, TFG created the following four-step process.

**Exhibit 18. Process to Select Staffing Models for Further Review**



### *Step 1: Define the key characteristics that describe personal staffing models.*

Four fundamental and interdependent characteristics define a staffing model: (i) staffing levels or staff capacity; (ii) location of work; (iii) partisan vs. non-partisan support; and (iv) job duties. Allocation and management of staff are also important features of a model and will be discussed separately in the subsequent chapter. Conversations with LCS leaders in New Mexico and legislative staff in other states as well as academics at UNM confirmed these characteristics are the important elements of a staffing model.

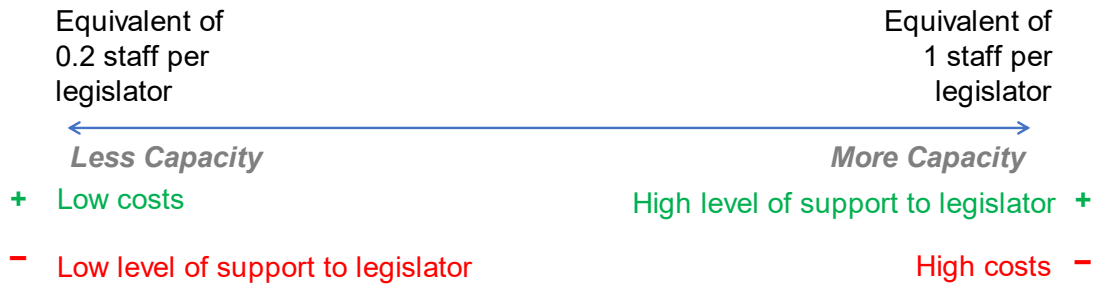
### *Step 2: Define the range of options for each staffing model characteristic.*

For each of the characteristics of a staffing model, there is a range of potential choices to be made. For example, some staff might be partisan while others are non-partisan. Some staff might be based regionally with flexibility to work from home on occasion. A staffing model might adopt a combination of choices within a characteristic. Depending on what is prioritized and by whom, these different choices will be perceived as benefits or risks. The pros and cons associated with various choices within each characteristic are described in the following figures. Green indicates the likely advantages and red indicates the potential disadvantages associated with each choice.

**Capacity** – More staff support provided for each legislator might enable more personalized work and, therefore, increased legislative capacity, but is also more costly. For this report, staffing capacity options ranged from 0.2 FTE staffer per legislator to one FTE staffer per legislator, based on input from surveyed legislators and insights from other states. The minimum capacity of 0.2 FTE per legislator equates to eight hours per week of work. Anything less than this is likely unproductive. The maximum of one staffer per legislator could be expanded in the future if necessary. North Carolina provides one staffer for each legislator while Colorado offers up to two legislative aides for each legislator. In Utah, staffers provide support to five to six legislators. Some states differentiate capacity based

on level of legislator seniority or by chamber, with the House and Senate opting for different levels of staffing support.

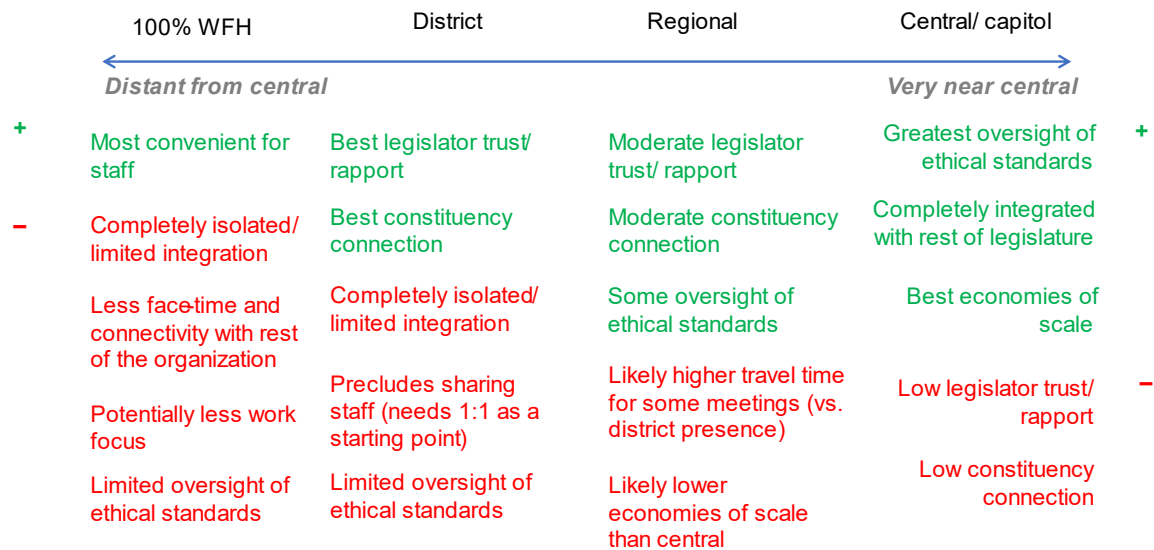
**Exhibit 19. Capacity**



*Location* – When deciding where staff offices should be located, proximity to local communities, travel considerations, ease of staff oversight by a management office, staff convenience, available office space and cost are the key trade-offs to be considered.

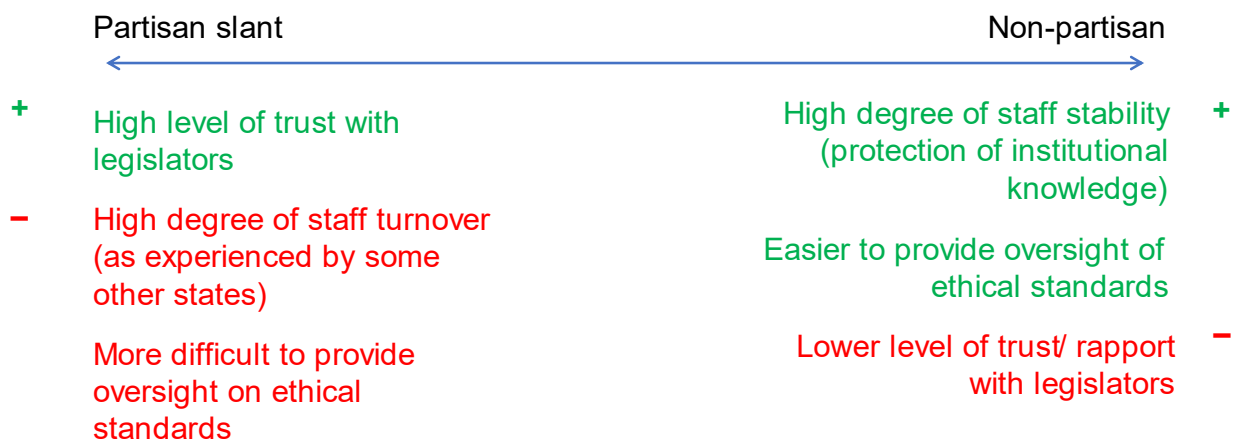
Of the six states reviewed, three located their personal staff for legislators in the state capitol while two allowed for both district and capitol offices. In Nevada, currently interim staff are working remotely, but there may be office space available in the future. Working from home is technically feasible but could present oversight and management challenges. Additionally, it might be more practical for staff who work out of a central location. Chapter 6 Location provides additional detail on potential regional and district-level distribution of office locations statewide for legislators to consider.

**Exhibit 20. Location of Work**



*Partisan and non-partisan* – Partisan staff could perform duties related to furthering the success or failure of political objectives or initiatives while working in an official capacity (such as developing talking points on a given issue aligned with a party platform). Non-partisan staff would not perform such duties. Some surveyed legislators expressed concern about how to ensure partisan staff located in district offices would avoid engaging in electioneering, for which there is potentially greater risk in offices with fewer colleagues and less oversight. Additionally, partisan staff might experience higher turnover if they lose their jobs when a legislator is no longer in office. Colorado and Nevada employ partisan support staff, while Arizona provides non-partisan personal staff to legislators. The decision to hire partisan staff has important hiring, training and orientation considerations that are outlined in subsequent chapters.

**Exhibit 21. Partisan vs. Non-Partisan**



*Job duties* – The legislator survey indicates a preference for three categories of job duties for personal staff: (i) administrative support; (ii) community engagement; and (iii) policy support. Each proposed staffing model includes at least one of these categories. While these duties should not replace existing staff, there may be opportunities to expand existing duties to serve legislators to a greater degree. Staff already support legislators in New Mexico with important job functions. Non-partisan legislative staff provide policy research to legislators. Analysts at LCS, LFC and LESC offer objective fiscal, legal and public policy analysis and recommendations. Additionally, the staff within the House and Senate chief clerks’ offices provide non-partisan constituent services during the interim period. The leadership offices also have partisan staff. These roles and responsibilities are crucial to the effective administration of the New Mexico Legislature. Ensuring job duties align with constitutional and statutory prohibitions is also critical and is discussed in Chapter 5. The following exhibit outlines the details of job activities that could be provided to legislators and whether these duties are currently offered by existing staff.



**Exhibit 22. Job Activities to Be Delegated to Personal Staff**

Job Activity		Details	Covered by Existing Legislative Staff?
Administrative work		<ul style="list-style-type: none"> <li>• Writing/reading emails</li> <li>• Scheduling meetings and calendar management</li> </ul>	No, although some leadership staff may provide this for some leaders.
Community Engagement	Responding to constituents	<ul style="list-style-type: none"> <li>• Responding to constituent concerns</li> <li>• Collaborating with district constituents, organizations and businesses</li> </ul>	<ul style="list-style-type: none"> <li>• Offices of the chief clerks provide constituent services but do not have a district or regional presence to collaborate locally.</li> <li>• Partisan staff in leadership offices also provide some of these services but not for all legislators.</li> </ul>
	Staying Informed	<ul style="list-style-type: none"> <li>• Attending/participating in public community events</li> <li>• Staying informed about current events and issues impacting the district and/or state</li> </ul>	<ul style="list-style-type: none"> <li>• Partisan staff within leadership offices provide these services but do not work for all legislators.</li> </ul>
Conducting research and analysis		<ul style="list-style-type: none"> <li>• Researching policy issues</li> <li>• Reviewing and analyzing bills and amendment drafts</li> </ul>	<ul style="list-style-type: none"> <li>• Non-partisan policy support is provided by LCS, LFC and LESC. Partisan staff within leadership offices also provide this support.</li> </ul>

**Step 3: Synthesize the research to outline five staffing model options.**

As previously noted, states implement a variety of staffing models with details dependent on contexts. No single model is intrinsically more optimal or proven to lead to increased legislative capacity. However, across contexts, staffing models should optimize the priorities of a particular legislature and be internally coherent to ensure all elements of the model make sense together. For example, if district offices are the preferred office location, staff should likely be partisan since it would be difficult to ensure non-partisan staffing support for legislators in such an isolated setting. If cost is a key driver, 1:1 staff-to-legislator support would be more costly than sharing staff among legislators. For this step of the process, five models were selected that responded to surveyed legislator needs, incorporated lessons from other states, were internally coherent and optimized priorities.

**Exhibit 23. Five Options of Potential Staffing Models**

Dimension	<b>A</b> Central, non-partisan, admin	<b>B</b> Regional, non-partisan, admin + policy	<b>C</b> Regional, partisan, admin + community	<b>D</b> District, partisan, admin + policy + community	<b>E</b> Hybrid	
Staffing Level	1 staff : 4 legislators	~1 staff : 3 legislators	2 staff : 5 legislators	1 staff : 1 legislator	1 staff: 2 legislators	
Location	Central	Regional (12 hubs)	Regional (8-12 offices)	District	Central	Regional (12 hubs)
Partisan/Non-Partisan	Non-Partisan	Non-Partisan	Partisan	Partisan	Non-Partisan	Partisan
Job Duties	<ul style="list-style-type: none"> <li>Administrative</li> </ul>	<ul style="list-style-type: none"> <li>Policy support</li> <li>Administrative</li> </ul>	<ul style="list-style-type: none"> <li>Community engagement</li> <li>Administrative</li> </ul>	<ul style="list-style-type: none"> <li>Administrative</li> <li>Community engagement</li> <li>Policy support</li> </ul>	<ul style="list-style-type: none"> <li>Regional, partisan:               <ul style="list-style-type: none"> <li>Administrative</li> <li>Community engagement</li> </ul> </li> <li>Central, non-partisan policy support</li> </ul>	

*Step 4: Develop criteria to evaluate options and select three models for further review.*

Each model was evaluated based on how well the model met the key priorities identified as critical by legislators, other states and the academic research. The priorities include: effectiveness in supporting legislators, ethical oversight, ease of management, flexibility and cost effectiveness. The effectiveness of a model in supporting legislators is the most important priority, accounting for 50 percent of the overall model success. It is defined by two components: (1) whether the model lends itself to having staff develop close, effective professional rapport with a legislator; and (2) the staffing capacity in the model or the number of staff hours per week available for each legislator. The legislator survey identified 20 hours per week as the optimal amount of time that could be delegated to personal staff. Flexibility to adapt to legislator needs is the next most important priority for a staffing model (accounting for 20 percent of the overall importance), followed by ease of ethical oversight (15 percent), ease of overall management (10 percent) and cost effectiveness (5 percent).

Each of the five staffing models was rated, from one to 10, for each of these priorities, with higher scores being better. For example, ethical oversight is easier to ensure for centrally located non-partisan staff because there are already robust oversight systems in place within the capitol for existing legislative employees. Partisan staff located in district offices would be isolated and harder to oversee. While there could be challenges in overseeing ethical behavior for centrally located staff, research and experience in other states suggest it tends to be easier. Model A (central, non-partisan staff), therefore, scores “10” for ease of ensuring ethical oversight while model D (district, partisan staff) scores “1” for this priority. Scores were then multiplied by weights and summed to reach a total score. This process enabled qualitative descriptions of model design to be converted into quantitative measures suitable for comparison. Based on this analysis, options B (regional, non-partisan support), D (district, partisan support) and E (a hybrid model) scored the highest and make the shortlist of staffing model options.

**Exhibit 24. Shortlisting Criteria for Staffing Models**

Parameter	Sub-parameter	Rating scale	Weight	Longlist of options				
				A	B	C	D	E
1. Effectiveness of supporting the legislators	a. Rapport with legislator	10=high, 5=medium, 1=low	20%	1	3	5	10	5
	b. Work hours that can be delegated by the legislator	10=20hrs/wk, 7=15hrs/wk, 5=10hrs/wk, 3=5hrs/wk, 1=2hr/wk	30%	3	5	5	7	10
2. Effort needed to manage any risk of ethical challenges		10 = very low, 1 = very high	15%	10	7	5	1	5
3. Ease of management and logistics		10 = very low, 1 = very high	10%	10	7	5	1	3
4. Flexibility to change/ adapt to tailor to legislator needs		10=high, 5=medium, 1=low	20%	3	5	5	10	7
5. Costs		10=low, 5=medium, 1=high	5%	10	5	5	1	5
			Σ100%	4.7	5.1	5.0	6.4	6.7

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## Chapter 5. Allocation and Management of Staff

For each of the recommended staffing models (Hybrid, Regional or District), the legislature will need to decide how to allocate staff and who will manage the staff. There are important constitutional and statutory considerations for review. There are also opportunities for flexibility in approach to accommodate distinct legislator or district preferences as well as different approaches within the House or Senate. TFG suggests LCS provide management functions, including HR support for all partisan and non-partisan personal staff for legislators. When partisan staff are hired, legislators can be more involved in selecting and overseeing the staff. These recommendations and other options and considerations are reviewed below.

### **Allocation of Staff – FTE, Budget or Hours**

Based on input from other states, there are at least three staff allocation approaches New Mexico might consider:

1. allocating FTEs;
2. providing a total budget allocation that includes compensation as well as all other associated costs, including office space, etc.; and
3. providing a specific number of staff hours.

Each approach provides different advantages and disadvantages and may be more or less suitable for each of the recommended models. Exhibit 25 outlines these options. Allocating FTEs would work for any of the three recommended models but provides less flexibility. Providing a budget to cover all expenses associated with staff allows for a high degree of flexibility to accommodate individual legislators' preferences but also requires more work on the part of the legislator. Additionally, this approach might be more suitable for those models that include partisan staff, particularly the Hybrid and District models. Lastly, allocating a certain number of hours per legislator might present challenges in tracking and administration. TFG does not recommend this approach for New Mexico.

**Exhibit 25. Different Ways to Allocate Support to Legislators**

Allocation	State Examples	Pros	Cons	Does this approach work for the staffing model?
1. FTEs	Arizona Nevada Utah	Simple to implement and manage for non-partisan staff	More difficult to tailor to needs of each district/legislator	Hybrid <input checked="" type="checkbox"/> Regional <input checked="" type="checkbox"/> District <input checked="" type="checkbox"/>
2. Budget to cover all costs associated with staff, including compensation, office space, utilities, IT, etc.	Texas	Simple to implement and manage for partisan staff  Highly tailored to needs of each legislator and district	Difficult to manage when specialist resources need to be pooled  More work for legislators	Hybrid:  Non-partisan staff <input type="checkbox"/>  Partisan staff <input checked="" type="checkbox"/>  Regional <input type="checkbox"/>  District <input checked="" type="checkbox"/>
3. Specific number of hours	Colorado	Allows for some flexibility for legislators to decide who they hire and at what level	More admin effort to track time spent by staff to work for specific legislators	Hybrid <input type="checkbox"/>  Regional <input type="checkbox"/>  District <input type="checkbox"/>

When considering any allocation approach, there are important constitutional prohibitions to note. Article 4, Section 10 of the Constitution of New Mexico prohibits legislators from receiving any compensation, allowances or perquisites. While it is not within the scope of this report to determine the nuanced constitutionality of a recommended approach to allocation, the report does provide two points for consideration. First, House and Senate districts, rather than legislators themselves, could receive the allocated funding. Second, while a legislator will direct the disbursement of funds for the district they serve in (in either the Hybrid or District models), the actual transaction should be executed by a legislative agency such as LCS that has appropriate financial controls and documentation in place.

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## Management of Staff

Selecting, reviewing, training and disciplining staff as well as general administration are the key management functions that will need to be assigned. General administrative support might include payroll, leave management, expense tracking and approval. Given the breadth of HR and accounting duties LCS currently provides to a number of offices, there is logic in relying on LCS to deliver these administrative and HR functions for personal or support staff for legislators, if given additional resources. LCS currently provides HR support to its own employees and also the chief clerks' offices, including temporary session staff, and leadership staff. The accounting office at LCS manages legislative expenditures, including budgets for all of LCS and the House and Senate chief clerks' offices; vouchers for per diem and mileage and other travel expenses; and purchases of goods and services, among other duties. (See Appendix F for a New Mexico Legislature Organizational Chart.) TFG recommends that LCS's current HR and accounting offices provide these shared services for all the support staff hired by the legislature – whether located in central, regional or district offices and whether they are partisan or non-partisan staff. Chapter 7 includes cost estimates associated with the additional resources LCS might require to provide these services to additional staff.

Individual legislators can also play a role in selecting and managing partisan staff. There is already precedence for this process. The recent UNM report on legislative modernization described the process for hiring partisan staff.<sup>24</sup> Partisan staff initiate the process with a request for a position to the non-partisan office. They first ensure there is adequate budget to cover compensation. A non-partisan office (LCS or one of the chief clerks' offices) administers the process. Partisan leadership staff could potentially provide some training support to partisan staff if each chamber chose to take on some of these roles.

It is worth noting that a new legislative agency could potentially be created to oversee and manage personal staff. This would require new statutory authority to be enacted. While this is an option, it is not a recommended one. Creating a new office would be unnecessarily time-consuming, cumbersome and a duplication of existing LCS expertise.

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<sup>24</sup> Rohrer/UNM BBER, "General Examination of Legislative Modernization in New Mexico."

Similar to other aspects of staffing models, every state has its own practice.

- In Colorado, legislators hire their own partisan legislative aides who primarily perform administrative duties. They are given an annual budget of funded hours for the aides and must reserve enough for work during the session. The chief of staff within each chamber provides support, and there are also legislative aide coordinators within each caucus who offer support.
- In North Carolina, legislators select their partisan legislative aides and a central HR office supports the hiring process. Each chamber has a manager or coordinator of legislative aides, but most training is the responsibility of the legislator.
- In the Texas House of Representatives, legislators are awarded a budget to spend as they wish. The budget covers all expenses, including salaries, office space and office supplies. A certain amount of unspent funds can be rolled over to the next year, but a cap limits this amount. Legislators hire their own staff, and HR support comes from the House Business Office.
- In Nevada, each caucus leader hires interim staff with HR support from the Legislative Counsel Bureau.

## Chapter 6. Location

All three proposed staffing models would require the use of office space outside of the state capitol. Identifying office space for support staff requires weighing various factors, including: staff count (initial and potential future); available locations (themselves a function of population density and real estate markets); urban and rural geographic considerations; and cost efficiency (detailed in Chapter 7). This chapter presents an analysis of the state's currently leased office space deemed suitable<sup>25</sup> for co-locating legislative personal staff. The New Mexico Capitol Buildings Planning Commission (CBPC) has adopted space standards allocating primary office space at 215 rentable square feet per person.<sup>26</sup> Primary office space includes all office and office support space and excludes special areas. For a given staffing model, if subleasing currently leased space is untenable, potential availability at higher education institutions, county and municipal locations, or the private office space market may offer alternatives. Appendix B contains location-specific detail in the *District / Regional Office Study* published by ARC.

### Key Takeaways

Aggregate analysis indicates there is suitable and available office space to meet the needs of legislative support staff described in each staffing model. TFG recommends establishing 12 regional offices for Hybrid and Regional models. For the District model, legislators could decide to locate staff in these 12 offices or opt for a different solution by directing the budgetary allotment to alternative locations if the legislature decides on allotments.

### Methodology

TFG first mapped all available office space by county and district based on data provided by ARC. Geographically dispersed cities containing potential office locations were then identified, considering likely staff requirements for each model and district proximity for each chamber. Suitable and available workspaces were identified based on how agencies reported space availability as well as the CBPC standards.

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<sup>25</sup> Transmitted by ARC via email, September 2023. ARC created a custom data extract limited to office leases for executive agencies deemed appropriate for sharing space with legislative staff (e.g., corrections and public safety agency leases are excluded from these data).

<sup>26</sup> Transmitted by ARC via email, August 2023.

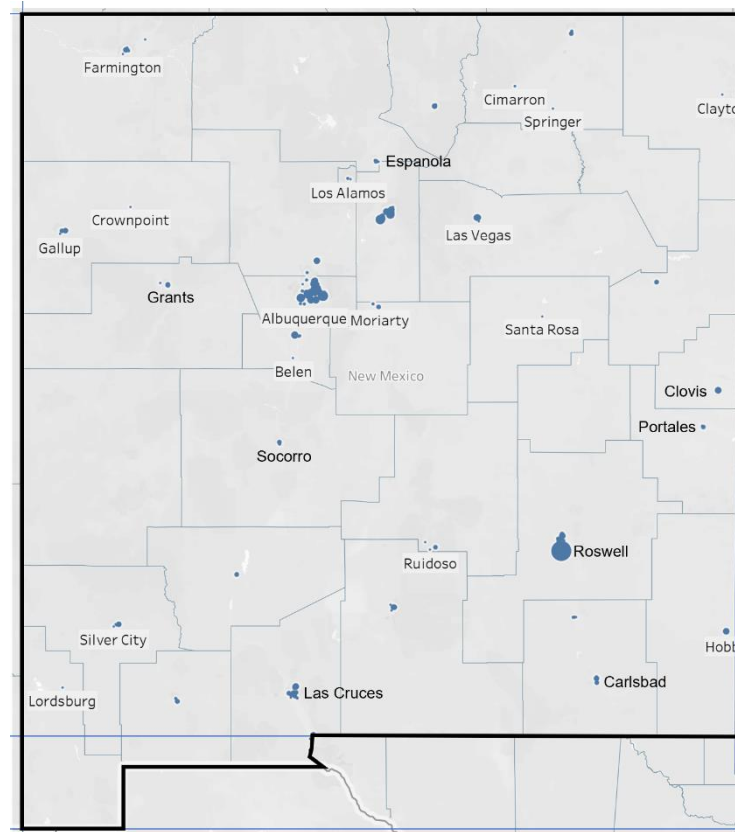


Several assumptions and caveats should be noted. First, the data provided by ARC are dependent upon timely and comprehensive reporting from numerous agencies to record the most up-to-date data. Actual square footage, reported FTEs and occupancy statuses may differ from reported data. Second, the broad application of CBPC's 215 square feet per person may overstate the availability of workspaces. For example, Taxation and Revenue Department locations may be required by law to retain records, which occupies space; Department of Health locations may be secure locations with square footage devoted to providing inpatient and outpatient services; and Human Services Department locations may have extensive square footage devoted to providing social services to the community. Additional data collection from agencies, on a property-specific basis, would be necessary to confirm space suitability before proceeding with implementing any model. Third, TFG identified three priorities detailed below to inform the selection of the 12 locations. If these priorities are adjusted, alternative office space locations could be identified.

### **Overview of Suitable Office Inventory**

As identified by the dataset of suitable office space provided by ARC, the State of New Mexico has leased 2.36 million square feet across 29 of 33 counties, 40 of 42 Senate districts, 54 of 70 House districts and all seven council of government regions. The leased space is occupied by 54 executive agencies with a reported budgeted capacity of 5,271 FTEs, which calculates to 449 square feet per FTE. As of August 2023, the data report 1,137 FTE vacancies, indicating that not all office space is occupied. While individual agencies report lease and FTE data with varying degrees of completeness and precision, aggregate data indicate there is general availability of suitable office space among state-leased buildings for legislative personal staff. Exhibit 26 depicts all leased space, with plots proportional to leased square footage.

**Exhibit 26. Suitable Leased Office Space, All Occupancy Statuses**  
(plotted proportionally by total square footage leased)



After mapping all State of New Mexico leased square feet as reported by agencies in the dataset collected by ARC, TFG analyzed the data to identify potentially available workspaces based on CBPC’s square feet standard. These are understood as available workspaces for staff that could be used by legislative support staff, should the state opt to provide such staff to legislators. Exhibit 27 presents these data with a range of availability identified. This range reports the Current FTE Vacancy data within the ARC dataset and computes Calculated Available Workspaces using the CBPC standard. For example, agencies in Luna County reported a total of 10 FTE vacancies, which TFG sets forth as Current FTE Vacancies. To reach a number of workspaces reflective of CBPC standards, TFG multiplied this by 496 average square feet per FTE as identified by the agencies to reach a total number of available square feet and divided the product by 215 (the CBPC standard), yielding 23 available workspaces. Therefore, in Luna County, there is likely available office space in state-leased buildings to serve between 10 and 23 FTEs. Union, Guadalupe and Hidalgo counties report no available FTE vacancies and, therefore, no

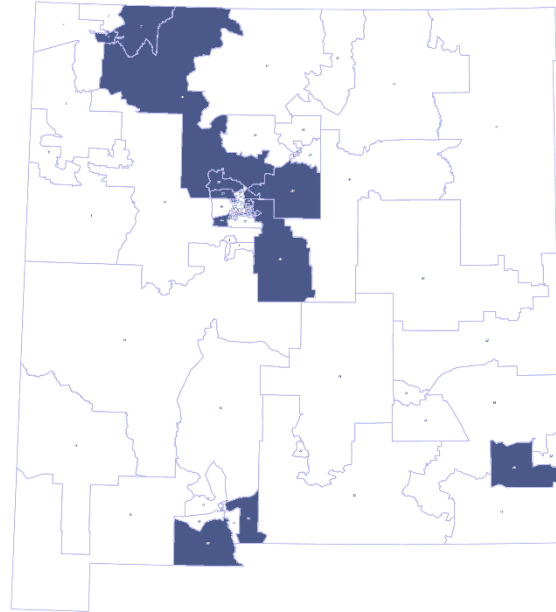
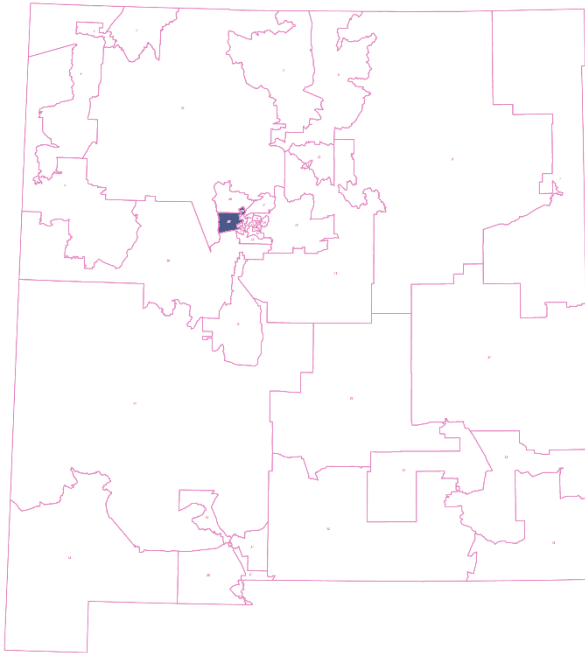
calculated workspace availability. However, there may be space available given the Leased Square Feet figure.

**Exhibit 27. Suitable Leased Office Space, Current and Calculated Range of Available Workspaces**  
*(sorted by total leased square feet in descending order)*

County	Lease Count	Leased Square Feet	Square Feet per FTE	Range of Available Workspaces	
				Current FTE Vacancies	Calculated Available Workspaces
Bernalillo	60	717,830	369	469	805
Santa Fe	35	436,361	384	272	486
Chaves	19	325,470	1,271	45	266
Dona Ana	32	214,318	390	84	152
Eddy	12	52,737	538	16	40
Sandoval	6	52,171	324	29	44
San Miguel	6	48,802	763	12	43
Curry	6	46,964	474	18	40
Valencia	7	41,928	281	29	38
Otero	6	40,154	478	21	47
Grant	9	39,980	597	11	31
McKinley	8	37,981	427	21	42
San Juan	11	37,146	417	12	23
Taos	9	36,594	389	24	43
Luna	6	30,253	496	10	23
Cibola	8	25,777	548	7	18
Colfax	9	24,002	923	1	4
Rio Arriba	6	21,038	501	13	30
Socorro	7	20,373	703	5	16
Quay	5	20,346	814	2	8
Torrance	3	19,318	552	9	23
Lea	1	18,891	497	6	14
Sierra	5	18,523	712	8	27
Lincoln	5	17,248	690	6	19
Roosevelt	4	13,634	649	6	18
Los Alamos	2	6,568	547	1	3
Union	1	1,870	1,870	0	0
Guadalupe	1	1,373	687	0	0
Hidalgo	1	1,092	1,092	0	0
Catron	0				
De Baca	0				
Harding	0				
Mora	0				
	<b>290</b>	<b>2,368,742</b>		<b>1,137</b>	<b>2,302</b>

While suitable leased office space is calculated to be generally available, there are exceptions for districts representing each chamber. Exhibit 28 identifies the locations of Senate and House districts without active leases.

**Exhibit 28. Highlighted House and Senate Districts<sup>27</sup> without Active Leases**



Senate
12, 23

House
2, 3, 13, 20, 22, 26, 27, 31, 34, 50, 53, 57, 60, 61, 65, 68

<sup>27</sup> District boundaries reflect results of the redistricting process of 2021-2022.

## Identifying Potential Office Locations

New Mexico's unique geography is largely rural with a few urban population centers as well as significantly remote locations. As a result, some Senate and House districts are compact and urban with high population density, and others are large and rural with low population density. Some districts are so expansive that it would take three to four hours to traverse the district along its greatest straight-line distance. The office locations proposed in Exhibit 29 attempt to balance these unique characteristics with the needs identified in the legislator survey and lessons learned from other states.

To the extent possible, TFG sought to identify potential office locations within the leased suitable office inventory in Exhibit 27. There are three priorities considered while identifying the optimal locations:

1. Use existing suitable leased space wherever possible to minimize incremental state spending.
2. Consider proximity to a given district boundary to minimize potential legislator and staff travel times and maximize access to constituents.
3. Assess the feasibility of one location serving multiple legislators, enabling efficient resource allocation.

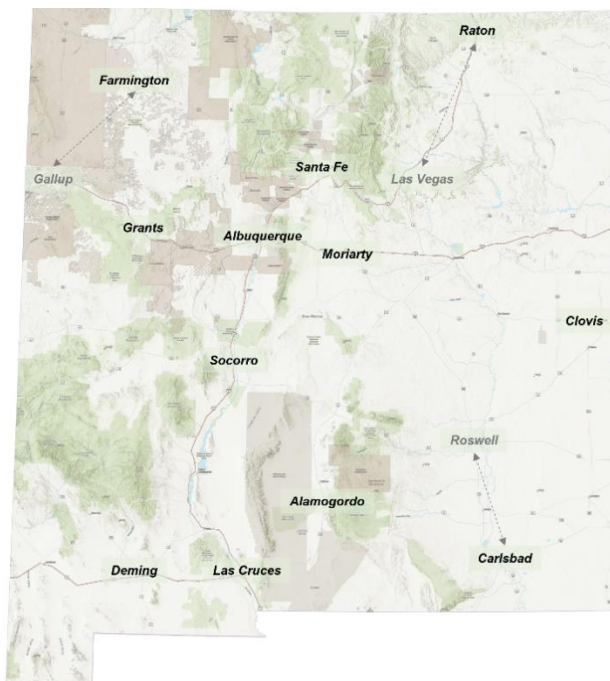
TFG analyzed the dataset of available office space with these priorities in mind. The following tables and maps outline the locations and districts served for 12 proposed locations. These locations were selected to inform initial cost estimates. However, legislators may opt for different locations. Exhibit 29 lists the proposed office locations for the staffing models, potential Senate and House districts serviced by each location and an important case-in-point consideration for House districts 40 and 42. Exhibit 30 maps the proposed location of the offices along with three alternatives. Exhibit 31 tabulates the proposed districts served for each office, FTEs in each office for each staffing model and range of available workspaces in each of those office locations.

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**Exhibit 29. Proposed Office Locations by Legislative District for All Staffing Models**

Proposed Location	Proposed Districts Served	
	Senate	House
Santa Fe <sup>28</sup>	5, 6, 22, 24, 25	41, [40, 42] <sup>29</sup> , 43, 45-48
Albuquerque	9-18, 20, 21, 23, 26, 29, 40	7, 8, 10-31, 44, 57, 60, 65, 68
Las Cruces	31, 36-38	33-37, 52, 53
Carlsbad	41, 42	54, 55, 58, 61, 62
Grants	4, 30	5, 6, 69
Alamogordo	32-34	51, 56, 59
Farmington	1-3	1-4, 9
Moriarty	19, 39	50, 70
Raton	7, 8	[40, 42] <sup>27</sup> , 67
Clovis	27	63, 64, 66
Socorro	28	49
Deming	35	32, 38, 39

**Exhibit 30. Proposed Office Locations for All Staffing Models**



**Note:** This map identifies 12 potential office locations that could be used for the Hybrid, Regional and District staffing models. However, legislators may opt for a different configuration. For example, repositioning Farmington to Gallup, Raton to Las Vegas, and Carlsbad to Roswell may better suit legislators' and constituents' needs when considering population densities vis-à-vis district-spanning travel times.

<sup>28</sup> Santa Fe is listed at the city rather than county level. Therefore, Proposed Districts Served in Exhibit 29 do not map 1:1 to districts serving Santa Fe County itself.

<sup>29</sup> While initially allocated to Raton, House districts 40 and 42 may be better suited to an office in Santa Fe rather than traverse mountainous terrain to Raton. This example case illustrates the larger point: generally, Senate and House districts may find an alternate office location more preferable upon deeper case-specific and property-specific analysis.

**Exhibit 31. Workspace Availability by Proposed Office Location and Staffing Model**

*(per Exhibit 27, locations are sorted by total leased square feet in descending order)*

Proposed Location	Districts Served			Allocated FTE by Staffing Model			Range of Available Workspaces	
	Senate	House	Total	Hybrid	Regional	District	Current FTE Vacancies	Calculated Available Workspaces
Santa Fe	5	6	11	5.5	3.0	11	272	486
Albuquerque	16	29	45	22.5	12.0	45	469	805
Las Cruces	4	7	11	5.5	3.0	11	74	131
Carlsbad	2	5	7	3.5	2.0	7	11	27
Grants	2	3	5	2.5	1.0	5	7	17
Alamogordo	3	3	6	3.0	2.0	6	21	47
Farmington	3	5	8	4.0	2.0	8	10	20
Moriarty	2	2	4	2.0	1.0	4	9	23
Raton	2	3	5	2.5	1.0	5	1	4
Clovis	1	3	4	2.0	1.0	4	18	40
Socorro	1	1	2	1.0	1.0	2	5	16
Deming	1	3	4	2.0	1.0	4	10	23
				<b>56.0</b>	<b>30.0</b>	<b>112</b>	<b>907</b>	<b>1,639</b>

Ranges of available workspaces for each office location are computed with the same methodology previously described for vacancies by county (see Exhibit 27): TFG compiled reported office space vacancy for each city and recalculated the potential vacancy based on 215 square feet per person. On this calculated basis, the proposed locations have available office space to meet the FTEs outlined in each staffing model for all locations except in Raton. In Raton, there may not be available office space for the low-workspace calculation to meet the needs of the Hybrid or District model scenarios.

**Hybrid, Regional and District Staffing Models**

These 12 office locations, including any combination of the three alternate locations, could serve support staff identified for the Hybrid, Regional or District models. For the District model, legislators are supported by their own staffer and have discretion to direct a budgetary allocation as set by the legislature. The legislator could direct his or her allocation to sub-lease from a different location, source space from the private real estate market or opt out of leasing office space entirely. For example, on the eastern plains (see Exhibit 26) a legislator may seek to reduce travel time; in Santa Fe, Albuquerque or Las Cruces, a legislator may seek a more private, convenient office location afforded by the greater supply of leased space. Of note, 75 percent of proposed office locations have fewer than 10 staffers allocated in the district model. Legislators may find it beneficial to

pool their budgetary allocations and co-locate similarly to the Hybrid and Regional models, perhaps in a bi-partisan environment. Alaska's Legislative Information Offices have evolved in this fashion as an approach to solving the geographic puzzle.

### **Work from Home Feasibility**

The option to work from home may be feasible from time to time for personal legislative staff in all three models. Working from home has its potential advantages: commuting time and expenses are reduced; the accessible talent pool may be expanded; opportunities to complete tasks requiring deep concentration may be enhanced, as potential interruptions are reduced; and personal staffers' home office locations may be more conveniently located to constituent populations and events requiring in-person attendance. For the District model, were it selected and initially implemented with 12 regional offices, increasing amounts of remote work may better and more conveniently suit legislators' and constituents' needs.

Conversely, work-from-home arrangements can increase degrees of difficulty for management and ethical oversight, particularly when delineating permissible partisan work activities for Hybrid and District models and forbidden electioneering while working in an official capacity. Moreover, working from home reduces the opportunities for in-office, serendipitous and productive interaction with colleagues and the community. These potentially lacking interactions can make onboarding and career development for personal staff more difficult.

TFG recommends potential work-from-home arrangements be augmented with in-person work days on a frequency convenient for constituents, legislators and personal staff. Therefore, TFG estimates that work-from-home arrangements would have an immaterial effect on cost estimates described in Chapter 7.



## Chapter 7. Cost

Cost considerations are one determining variable when deciding whether to provide personal staff for legislators. This chapter presents cost estimates for the three highest-scoring staffing model options: Regional non-partisan, District partisan and the recommended Hybrid model.

Exhibit 32 illustrates the estimated costs for each selected model in 2023 dollars.<sup>30</sup> Depreciation for IT and offices are listed separately to give additional context to non-cash expenses and investment cash flows every five (for IT) to 10 years (for offices). Similarly, the estimated office space cost is disaggregated because, as discussed in Chapter 6 Location, it is likely there exists available office space amidst New Mexico’s current lease portfolio. While implementing a staffing model may not incur significant incremental office space expenses in the immediate term, describing the amount allocated is useful in understanding current opportunity costs and future budgeting requirements. Were a staffing model implemented that used currently leased office space, TFG recommends considering posting inter-agency journal entries to capture an appropriate lease transfer cost, which would more accurately match lease expenses with entities using the asset. Details and assumptions associated with these estimated costs are described below.

**Exhibit 32. Estimated Costs by Staffing Model and Expense Category**  
 (\$ million, 2023)

Cost Element	Staffing Model Scenario		
	Hybrid	Regional	District
Personal legislative staff (fully burdened)	\$5.25	\$2.48	\$10.95
Shared services staff (fully burdened)	\$1.29	\$1.19	\$1.19
Office space	\$0.42	\$0.24	\$0.67
Office utilities	\$0.20	\$0.13	\$0.61
Per diem and mileage	\$0.02	\$0.01	\$0.35
Maintenance (IT and office)	\$0.03	\$0.02	\$0.06
Depreciation (IT and office)	\$0.06	\$0.04	\$0.13
<b>Total</b>	<b>\$7.28</b>	<b>\$4.10</b>	<b>\$13.95</b>

<sup>30</sup> Long-run inflation is estimated at 3.0% per data retrieved from [BLS Employment Cost Index](#), West census region, total compensation measure, 12-month percent change (current dollars), December 2001-December 2022.

## Compensation

Fully burdened staff costs begin with base compensation, that is to say the effective annual wage rate for personal and shared services staff. TFG assumes staff are ineligible for variable compensation (e.g., commissions, bonuses and other cash-based performance incentives). In addition, TFG estimates include taxes and benefits as a percentage of base compensation, which are the employer’s share of payroll taxes (7.65%), retirement plan contributions (18.74%), portions of premiums paid for various health and life insurance coverages (2.00% plus a fixed \$10K) and a fixed general allocation, including model-level insurance expenses at \$112.5K per scenario.

Estimated salaries correspond with the appropriate job level as set forth in the Classification Plan and Salary Ranges for New Mexico Nonseasonal Legislative Staff, effective July 8, 2023. Depending on their job duties, personal staff in other states have titles such as legislative aide, legislative assistant, community outreach specialist or coordinator, communications director, chief of staff or policy advisor among other titles. Colorado and North Carolina offer support staff to legislators who only provide administrative assistance. On the other hand, support staff in Utah, Nevada and Alaska have more comprehensive job duties. If support staff were provided to legislators, the job duties would need to conform with the adopted classification and compensation plan as noted in the Laws and Policies of the Legislative Council (Policy No. 20). Exhibit 33 below in two panels details estimated base compensation by staffing model, job level and TFG’s estimated job duty description, which informs estimated base and fully burdened costs for personal staff.

### Exhibit 33. Personal Legislative Staff

Base Compensation Level, Count and Estimate by Staffing Model Solution  
*(in 2023 dollars)*

<b>Panel 1. Selected Classification Levels and Salary Ranges</b>			
<b>Job Level</b>	<b>Min</b>	<b>Mid</b>	<b>Max</b>
E	\$42,346	\$54,196	\$66,045
G	\$51,043	\$65,751	\$80,459
H	\$56,473	\$72,903	\$89,334

Panel 2. Estimated Staffer Costs		Hybrid		Regional		District	
Job Level	Illustrative Job Title	Estimated Salary	Modeled FTE	Estimated Salary	Modeled FTE	Estimated Salary	Modeled FTE
E	Administrative Assistant III	\$42,604	18	\$42,604	18		
G	Constituent Srvcs. Rep. III	\$67,558	38			\$67,558	112
H	Policy Analyst	\$70,000	3	\$70,000	12		
	<b>Base Salary (\$M)</b>	<b>\$3.54</b>	<b>59</b>	<b>\$1.61</b>	<b>30</b>	<b>\$7.57</b>	<b>112</b>
	<b>Fully Burdened (\$M)</b>	<b>\$5.25</b>		<b>\$2.48</b>		<b>\$10.95</b>	

### Office Space and Utilities

Office space is allocated on a per-staffer basis. TFG assumes the same 215 square feet standard per person discussed in Chapter 6 Location. TFG estimates cost per square foot categorized by general office location: central, regional and district. Using the dataset of suitable office space described in Chapter 6, to reduce the effect of null or outlier data, TFG computed 25<sup>th</sup> and 75<sup>th</sup> percentile lease costs per square foot<sup>31</sup> for all proposed regional office cities described in Chapter 6. For the central location expense category, TFG uses Santa Fe data. For all office locations outside of Santa Fe, TFG subsequently computed a weighted average 25<sup>th</sup> and 75<sup>th</sup> percentile lease expense using Hybrid and District models' allocated FTEs for regional and district cost categories, respectively. The estimated lease expense is the average of the 25<sup>th</sup> and 75<sup>th</sup> percentiles for each category. Finally, TFG conservatively estimates incremental maintenance, tax and insurance expenses typically experienced in the private commercial real estate market. The applicability of these expenses will vary based on the specifics of a property's lease and subleasing terms. Summary details are set forth in the Exhibit 34 below.

<sup>31</sup> Lease costs in the custom data extract provided by ARC are indexed forward to 2023 dollars regardless of a given lease's start date.

**Exhibit 34. Estimated per Square Foot Office Expense by Location Category  
 Percentiles and Averages for All Staffing Models**

*(\$ per square foot, 2023)*

Cost Element	Central (Santa Fe)			Regional			District		
	25th	75th	Avg	25th	75th	Avg	25th	75th	Avg
Lease cost	\$19.86	\$24.18	\$22.02	\$16.39	\$22.80	\$19.60	\$16.47	\$22.82	\$19.65
Maintenance, taxes, insurance	\$8.00	\$9.00	\$8.50	\$6.00	\$8.00	\$7.00	\$4.00	\$6.00	\$5.00
<b>Total</b>			<b>\$30.52</b>			<b>\$26.60</b>			<b>\$24.65</b>

Office utilities encompass necessary recurring annual expenses, including electricity, internet and telephony; cleaning services; software subscriptions; security; and maintenance. TFG estimates power and maintenance expenses at \$4.47 per square foot per year; internet and telephony at \$780 per user per year; cleaning at \$663 per user per year; software subscriptions at \$400 per user per year; and security at \$2,400 per location per year.

### Per Diem Expenses

Per diem expenses are estimated basis rates published by the New Mexico Department of Finance and Administration.<sup>32</sup> State employees, including legislative employees, may be reimbursed actual expenses for lodging, meals and incidentals per Subsection K of Section 10-8-4 NMSA 1978. Mileage is set at 80% of the Internal Revenue Service mileage rate from January 1 of the previous year per Section 2.42.2.11 (B)(1) NMAC. Legislative employees are exempt from travel approval by the executive branch per Subsection A of Section 2-1-9 NMSA 1978. Cost estimates for Hybrid and Regional models are relatively nominal, whereas District model personal staff are estimated to expense approximately \$350K per year across all categories due to more frequent same-day travel around their representative districts. For all staffing models, TFG estimates 2.5% or less of the staffing model budget expensed to this category. This may increase in

<sup>32</sup> [FCD Memo FY22-006 – Fiscal Year 23 Per Diem Rates \(pdf\)](#) via [DFA FCD FY24 Memos and Notices](#), accessed October 2023.

the long run if personal staffers whose initial scope is primarily interim-related work activities are expected to travel to Santa Fe for future in-session periods.

### **IT and Office Equipment**

For IT and capitalized office expenses, TFG estimates IT purchase costs of \$2,500 depreciated over five years, with annual per person maintenance expenses of \$250. For each workspace, TFG estimates \$3,600 incremental investment depreciated over 10 years, with annual per workspace maintenance expenses of \$180. On an annual accrual basis, this expense category is estimated to be less than 1.5% for all staffing models. The greatest capital investment<sup>33</sup> is estimated in the District model, where \$307.5K is invested every five years in IT equipment and \$442.8K invested every 10 years in workspaces.

For all three staffing models, 87% or more of the estimated costs are driven by personal and shared services staff expenses. The next-highest expense category, office space, ranges from 4.8% to 5.9% of estimated annual expenses. To the extent that a staffing model can be deployed using existing suitable leased space, office space would be a non-cash expense for the duration of a given existing lease, opportunity costs for subletting income notwithstanding. At an aggregate level, the estimated cost of staffing models as a percentage of the General Fund's \$9.568B operating budget for FY24 ranges from 0.04% to 0.15%; for the \$33.1M legislative budget therein, the estimated cost of staffing models ranges from 12.3% to 42.1%.<sup>34</sup> If similar costing efforts and estimates are used to budget for personal legislative staff in the future, TFG recommends indexing key cost drivers to macroeconomic data, including general inflation, labor market dynamics, prevailing commercial real estate rates and expected future expenses in all other expense categories.

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<sup>33</sup> TFG recommends indexing future capital investment budgets to inflation.

<sup>34</sup> [State of New Mexico Budget in Brief](#), accessed October 2023.

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## Chapter 8. Authorizing Provisions

No matter which staffing model is used to outline how and where personal staff will work, the legislature will need to consider the most suitable authorizing provisions for these staff. There are a variety of different mechanisms that could be used. The states interviewed for this project reported relying on constitutional authority, using or amending statute, adapting policy, issuing resolutions and simply increasing appropriations associated with existing legislative staff budgets. While these states used different approaches, they often accomplished similar ends. However, different authorizing provisions present different advantages or disadvantages. Relying on statute – which created the Legislative Council Service, Legislative Finance Committee, Legislative Education Study Committee and the House and Senate chief clerks’ offices – offers a more permanent approach but also may require more initial effort and may be more difficult to adjust over time. Policy provides flexibility to adjust details without significant delay, but the duties and purpose of personal staff could also be more easily changed or revoked. Statutory authority can also provide the New Mexico Legislative Council with the ability to develop policy from statutory direction. Relying on existing authority (constitutional or statutory) may be an easier path but could present challenges if job duties, partisanship and location of personal staff significantly differ from those of current legislative staff. The prohibition in Article 4, Section 10 of the Constitution of New Mexico that legislators “shall receive ... no other compensation, perquisite or allowance” also presents challenges.

A few states interviewed for the report relied on a more informal approach to begin with and further clarified roles and responsibilities over time as both staff and legislators learned what worked best. In Colorado, a joint rule (JR 39) was amended to refine some of the language related to where and how legislative aides can support legislators. In the Texas House of Representatives, an ombud position was created to serve all legislative staff in response to an incident of inappropriate behavior, although no change to existing authorizing provisions was required. Nevada relied on existing authority and simply increased appropriations for additional staff for the interim period. This change happened recently, and the state’s evaluation of its effectiveness is ongoing.

**Exhibit 35. Comparison of Authorizing Provisions in Different States**

State	Authorizing Provision
Colorado	A joint rule (JR 39) outlines the role and numbers of legislative aides.
Texas - House	Constitution sets up authority for House and Senate to exist and to operate as a body with staff. House resolution describes details.
Alaska	Various statutes on partisan staff compensation, IT and overall appropriations for all House and Senate employees.
North Carolina	Statute outlines duties of the Legislative Services Commission, which houses the aides, but there is no specific language about assistants/aides.
Nevada	An appropriation for additional staff was added to the Legislative Counsel Bureau budget.
Utah	House and Senate budgets. No statute or policy.
Arizona	Unconfirmed at time of publication.

### Description of Authorizing Approaches

Amending statute, revising policy or relying on existing constitutional authority are described in further detail below.

*Amend statute* – In each of the proposed staffing models, LCS would have some degree of management and oversight of personal staff. Each model also describes personal staff working outside of the capitol, in regional or district locations. The Hybrid and District models describe partisan staff duties. Given the role of LCS and the potential new roles and locations for personal staff, current statutory language describing the purposes and duties of LCS should likely be amended with additional language to provide for clarification (Section 2-3-8 NMSA 1978). There is already precedence for using statute in this way. The offices of the chief clerks have statutory authority to hire five FTEs to provide constituent services during the interim period (Section 2-14-2 NMSA 1978). If LCS statute were amended to authorize the provision of personal staff for legislators, it might be important to also describe in statute that these personal staff shall not duplicate the existing constituent services. If demand for constituent services were to increase as a result of personal staff working more closely with communities, the statutory limit of five FTEs for the offices of the chief clerks may need to be modified. Prohibitions against nepotism could also be included in statute as well as descriptions of whether roles are partisan or non-partisan.

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Amending LCS enacting statute is the recommended approach given the stability it presents, the precedence of using statute in this way and the need to clarify the new roles and locations of personal staff. Additionally, a statutory approach relies on the legislative process for deliberation and public input, allowing for greater transparency, unlike reliance on constitutional authority or Council policy. However, a description of these other authorizing approaches follows to provide a more complete set of options for the legislature to consider.

*Revise policy* – Current LCS policy allows for the employment of staff in the leadership offices of the House and Senate. The policy states leadership can adopt staffing patterns and budgets based upon appropriations to the appropriate chief clerk. This policy could be adapted to include personal staff for legislators. Additional policy could be written to articulate the roles and responsibilities and staffing patterns associated with personal staff. Nevada relies on this approach.

*Rely on existing constitutional authority* – Under Article 4, Section 9 of the Constitution of New Mexico, the legislature is authorized to select its own officers and employees and fix their compensation. If New Mexico were to rely on this authority for the provision of personal staff for legislators, additional appropriations could be included in House Bill 1 to fund the associated expenses. The Texas House of Representatives, for example, relies on a similar constitutional clause that grants authority to its chamber to exist and operate as a body with staff. The Texas House then passes a resolution (House Resolution 3, or the “Housekeeping Resolution”) describing the details. In Texas, House members can employ staff with funds from an operating budget awarded to them.

### **Relevant Provisions of the Constitution and Sections of Statute and Policy**

Exhibit 36 offers a list of relevant provisions of the Constitution of New Mexico as well as sections of statute and particular policies for the legislature to consider as it seeks to authorize, and then train and orient, new personal staff.



**Exhibit 36. Relevant Provisions of the Constitution of New Mexico, Statute and Policies**

<b>Constitution of New Mexico</b>	
Article 4, Section 9	Legislature is authorized to select its own officers and employees and fix compensation
Article 4, Section 10	No compensation, perquisite or allowance given to members
Article 9, Section 14	Anti-donation clause
<b>Statute</b>	
Chapter 1, Article 19 NMSA 1978	Campaign Reporting Act
Chapter 2, Article 3 NMSA 1978	Legislative Council and Legislative Council Service
Chapter 2, Article 5 NMSA 1978	Legislative Finance Committee
Chapter 2, Article 10 NMSA 1978	Legislative Education Study Committee
Chapter 2, Article 14 NMSA 1978	Office of Chief Clerks
Chapter 2, Article 15 NMSA 1978	Legislative Ethics
Chapter 10, Article 15 NMSA 1978	Open Meetings Act
Chapter 10, Article 16 NMSA 1978	Governmental Conduct Act
Chapter 10, Article 16A NMSA 1978	Financial Disclosure Act
Chapter 10, Article 16B NMSA 1978	Gift Act
Chapter 10, Article 16G NMSA 1978	State Ethics Commission Act
Chapter 14, Article 2 NMSA 1978	Inspection of Public Records Act
<b>Policy</b>	
Legislative Council Policies	#7, 8, 9, 12, 14, 15, 18, 20 and 21

## Chapter 9. Orientation and Training

Ensuring appropriate ethical conduct for personal staff is a key concern identified by legislative staff and legislators in New Mexico as well as in other states interviewed for this report. In 14 of 106 (approximately 13 percent) of open-ended survey responses, legislators cited ethical concerns as a reason why they were not supportive of providing personal staff. Thorough orientation and training for personal staff could help address these concerns. Training should not merely provide a description of employment obligations and an overview of the legislative process but also, and perhaps most critically, inform staff of their constitutional and statutory obligations as employees of the State of New Mexico.

The Constitution of New Mexico as well as state laws and policies establish clear prohibitions on certain activities and address appropriate ethical conduct. Training to familiarize staff with these prohibitions, how to avoid inadvertent violations and where to access help when needed will be important if New Mexico chooses to provide support staff for legislators. LCS's current training on ethical considerations for legislators is comprehensive and could be offered to personal staff with an emphasis on key ethical considerations pertinent to their roles. These considerations are outlined below.

### Key Ethical Considerations

There are several statutes and policies concerning ethical conduct that address conflicts of interest, financial disclosure, gifts and disclosure of confidential information, among other topics (see Exhibit 37. Key Statutes and Policies). LCS's ethics training includes discussion of these laws and policies.

Given the new job duties and office locations outlined in the staffing models, there are a few topics related to ethics that would merit careful consideration and discussion during training for personal staff. These topics include:

#### Exhibit 37. Key Statutes and Policies for Legislative Staff

- Governmental Conduct Act
- Gift Act
- Campaign Reporting Act
- State Ethics Commission Act
- Legislative Employees Code of Conduct
- Anti-Harassment Policy of Legislative Council
- Whistleblower Act
- Procurement Code
- Financial Disclosure Act

1. Staff cannot perform personal duties for legislators.
2. Electioneering is not allowed while serving in an official capacity for and using resources provided by the State of New Mexico.
3. Partisan job duties are allowed and should be differentiated from electioneering.
4. Legislative staff conduct has statutorily prescribed limits.

The following provides a more detailed review of these considerations as well as implications for the three staffing models (Hybrid, Regional and District).

*Legislative staff cannot perform personal duties for legislators.*

Personal staff and elected officials must have a complete understanding of what staff are and are not permitted to do on behalf of a legislator. The Constitution of New Mexico (Article 4, Section 9) establishes a prohibition against legislators receiving other compensation, allowances or perquisites. Chapter 5 of this report on the allocation and management of staff already raised the issue of how staff might be allocated to legislators in accordance with this constitutional clause. Additionally, personal staff and legislators need to be aware that support staff cannot perform personal duties for legislators (e.g., childcare, running errands, etc.), as these could be construed as perquisites or allowances. The Governmental Conduct Act also provides that a legislator “shall use the powers and resources of public office only to advance the public interest and not to obtain personal benefits or pursue private interests.” All support staff would be required to have a comprehensive understanding of this prohibition as well as tools for how to avoid any inadvertent violations. This may be a more acute concern for partisan staff in the District model who would be working more closely with legislators in more isolated settings.

*Legislative staff cannot engage in electioneering.*

Electioneering is clearly prohibited while serving in an official capacity for and using resources provided by the State of New Mexico. In particular, the Governmental Conduct Act sets forth ethical principles, prohibited acts and penalties, as well as prohibited political activities, in Sections 10-16-3 and 10-16-3.1 NMSA 1978, respectively. Any personal staff provided to legislators would similarly be prohibited from electioneering activity while performing their job duties. Existing statute, policies and procedures guide the legislative

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branch regarding allowable electioneering activity that occurs off duty and uses private resources.

The prohibition against electioneering is clear. However, the enforcement of this prohibition may become more complicated when partisan staff are located away from the capitol in regional or district offices as outlined in each of the staffing models (Hybrid, Regional and District). Additionally, training should offer guidance on how to differentiate between approved community engagement activities and prohibited electioneering. For instance, if a staffer has organized a community meeting to gain constituent feedback on an important issue, that staffer must be clearly instructed to refrain from campaigning on behalf of a legislator in preparation for, during or in following up after the meeting.

The District model may present more acute challenges in enforcing this prohibition. While there is a risk that staff who work in a regional office could engage in electioneering, the risk might be reduced by having additional colleagues present to provide oversight. It is important to note that the Regional model includes six office locations with only one FTE in each office. If this is a staffing model of interest, the legislature could consider consolidating some of these offices not only to accrue greater economies of scale but also to provide more support, oversight and protection by creating offices with more than one staffer. As an alternative approach and instead of consolidating offices, these staffers could be required to attend additional trainings. Balancing ethical oversight with constituent access and economies of scale is critical to ensuring a successfully implemented model.

*Staff will need to understand the difference between partisan, non-partisan and electioneering activities.*

While electioneering is clearly prohibited for State of New Mexico employees while they are working, conducting partisan work is permitted. Indeed, the legislature already employs partisan staff in the leadership offices and majority and minority offices. The Hybrid and District models outlined in this report recommend employing partisan support staff for legislators with each model suggesting slightly different configurations and capacities for these staff. The at-times nuanced distinction between partisan, non-partisan and electioneering activities will be important for both staff and legislators to understand.

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While the terms partisan and non-partisan are used throughout federal and state statutes, policies, procedures, training materials and other related documents, they are sometimes not explicitly defined. A given jurisdiction and document may set forth examples of (im)permissible partisan and non-partisan activities. To complicate the matter further, a given body or agency may be designated in statute or, in contrast, colloquially understood as partisan or non-partisan.

As described in the introduction, this report defines partisan activity<sup>35</sup> as an activity directed toward the success or failure of political objectives or initiatives while serving in an official capacity for and using resources provided by the State of New Mexico. In contrast, electioneering activity<sup>36</sup> means an activity directed toward a desired electoral outcome for a particular candidate, party or ballot issue. This might include: attending and participating in campaign events and activities; fundraising for campaigns; displaying or distributing campaign materials in any medium; and soliciting votes for or against a candidate, party or ballot issue. As members of political parties, legislators inherently engage in partisan activity when advocating for or against legislation depending on its alignment with party interests. In contrast, legislators engage in non-partisan activity when, for example, consulting with the LCS<sup>37</sup> regarding the drafting of a given piece of legislation.

Job duties for personal staff in the three proposed staffing models are categorized as partisan or non-partisan. For example, scheduling an appointment on behalf of a legislator with an LCS attorney is a non-partisan activity; scheduling an appointment on behalf of a legislator with the legislator's caucus is a partisan activity. Training could help personal staff understand these distinctions and avoid electioneering activity while working for the State of New Mexico.

*Limits are placed on legislative staff conduct.*

The Governmental Conduct Act, Gift Act, Financial Disclosure Act and Campaign

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<sup>35</sup> Reference *Partisan Activity*, [5 CFR § 734.101 – Definitions](#).

<sup>36</sup> Reference [Electioneering](#).

<sup>37</sup> "The Legislative Council Service (LCS), created by statute in 1951, is the drafting and legal research agency for the New Mexico Legislature. The director and the LCS staff serve all members of the legislature without regard to their political affiliation, seniority or leadership position." [https://www.nmlegis.gov/Staff\\_Directory?Entity=LCS](https://www.nmlegis.gov/Staff_Directory?Entity=LCS).

Reporting Act and the State Ethics Commission impose duties and regulate the conduct of state employees. The Governmental Conduct Act states that legislative employees should treat their position as a public trust and conduct themselves in a manner that justifies the public's confidence and that they cannot receive any money or thing of value conditioned upon performance of an official act. The act also prohibits using property for unauthorized purposes, incidental and infrequent personal use notwithstanding. Personal staff for legislators, regardless of job duty or location, would be required to abide by these provisions. The Governmental Conduct Act and the State Ethics Commission Act apply to legislative employees and not legislators in all cases, an important distinction of which personal staff should be made aware. Ensuring partisan staff located in district offices abide by these laws could be more challenging.

### **Trainings on Ethics – Examples from States and the Federal Government**

Ethical prohibitions are serious and sometimes complex, but a practice encouraging ethical conduct can be continually enhanced. Trainings and refresher courses can offer multiple exposures to information, scenarios and resources such that staff become more familiar with and comfortable identifying and navigating potentially problematic situations.<sup>38</sup> In 2010, NCSL surveyed 99 chambers in 50 states and found 26 required new legislative aides to attend training on statute and policy governing ethics; 14 chambers provided continuing education courses on ethics for these staff.<sup>39</sup> The United States House of Representatives requires that all new members and employees receive ethics training within 60 days of their start date and complete an annual training thereafter. Senior staff in the U.S. House have a requirement of one additional hour of training every two years, in coordination with the congressional election cycle. Some states have created a coordinator or manager position within the House and Senate to provide occasional training for their legislative aides that could include ethical conduct considerations. The Texas House of Representatives recently created an ombud position to whom all House

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<sup>38</sup> Isaac H. Smith and Maryam Kouchaki, "Building an Ethical Company," *Harvard Business Review*, November-December 2021.

<sup>39</sup> National Conference of State Legislatures, *Summary of Personal Staff Survey*, January 2010.

employees can bring concerns related to ethical violations and from whom they can receive training.

### **Concluding Recommendations**

LCS currently provides a comprehensive training on ethical considerations for legislators, which legislative leadership staff may attend. This training should be given both during the initial orientation of new support staff as well as during refresher or continuing education courses. Given the particular ethical concerns associated with partisan staff working in district offices, New Mexico may consider requiring these staff to complete additional training, much like how senior staff with the U.S. House of Representatives are required to complete more training. Online training could be made available for those not located near the capitol but likely should be paired with in-person training to allow for discussion of nuanced scenarios. Legislative aide managers within the House and Senate could provide training as well. To protect both staff and legislators, training should generally guide staff and legislators to err on the side of caution when questions of ethical conduct arise.

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## Chapter 10. Potential Risks and Approaches to Mitigation

Risk and reward are inextricably linked in most complicated initiatives. Should the legislature decide to adopt any of the staffing models reviewed in this report, TFG encourages the consideration of three broad categories of risk: legal, implementation, and ethical and compliance risks. Examples of these risks and some potential mitigating solutions are described for each model below. Additionally, the benefits of a legislative ombud position are outlined as an approach the New Mexico Legislature may consider to address potential risk in any staffing model design.

### **Legal Risk**

*Legal risk* involves whether current constitutional, statutory, regulatory and operating policies and procedures affect the feasibility of implementing elements of a given staffing model.

For both Hybrid and District models, as discussed previously, one key risk entails whether a budgetary allotment per legislator could be construed as other compensation, perquisite or allowance, which is forbidden by Article 4, Section 10 of the Constitution of New Mexico. Reaching a legal conclusion on this issue is beyond the scope of this report. However, one approach could include using a budgetary allotment at a district level by chamber, for which members would effectively serve as fiduciaries. Members could potentially direct the disbursement of budgetary allotments within guidelines set forth in an applicable authorizing provision. The transactional execution could be managed by existing financial control resources after approval substantiated by appropriate documentation.

For the Regional model, ensuring that non-partisan policy staff do not present partisan points of view may present a risk. This risk could be mitigated in a variety of ways. Experienced non-partisan policy analysts could perhaps be suitable candidates for Regional posts. Policy analyst handbooks with examples of permitted activities and modes of resolution could also prove helpful. Finally, a regular schedule of policy analyst meetings to share experiences and best practices may strengthen a non-partisan culture in this staffing model.



**Exhibit 38. Legal Risks Associated with Each Staffing Model  
and Example Mitigating Response**

	Hybrid	Regional	District
Legal risks	Budgetary allotment as potential violation of constitution.	Non-partisan staff in regional offices do not remain non-partisan.	Budgetary allotment as potential violation of constitution.
Potential mitigating response	Direct budgetary allotment to the district level and require existing agency such as LCS to manage financial transactions.	Hire former non-partisan policy analysts.  Develop handbooks.  Schedule regular meetings to build a strong non-partisan culture.	Direct budgetary allotment to the district level and require existing agency such as LCS to manage financial transactions.

### Implementation Risk

*Implementation risk* describes whether each staffing model serves the purpose it was designed to meet.

In the Hybrid model, 12 regional offices may not be sufficient for staff and legislators to adequately connect with constituents. Expanding the number of regional offices could address this risk. Legislators could pool resources and select more suitable office locations, which could vary from or exceed the initially proposed 12 locations.

With its 30 non-partisan FTEs, the Regional model carries a variant of this same risk: non-partisan staff situated throughout the state may be engaged infrequently and perhaps via remote technologies, calling into question the Regional model’s incremental value over centrally located non-partisan staff. This risk could be mitigated, for example, by staffers strategically and consistently interacting with the community in a non-partisan fashion, serving as a conduit of information to legislators and non-partisan staff in Santa Fe. This visible presence could further validate the model’s utility and uncover opportunities for evolution.

Legislator turnover is a risk for the District model’s sustainability. When Senate and House districts change their representatives, incoming members may elect to employ different staff and locate in a different office. These activities may increase the loss of institutional knowledge and career trajectories for outgoing staff and increase administrative overhead

associated with managing changing office locations. To mitigate this risk, caucuses may consider pooling and allocating career staffer talent among their members not only to preserve institutional knowledge, but also to help onboard freshman members faster if paired with seasoned staffers.

**Exhibit 39. Implementation Risks Associated with Each Staffing Model and Example Mitigating Response**

	Hybrid	Regional	District
Implementation risks	Too few regional offices to meet needs of staff and legislators.	Infrequent engagement of non-partisan staff in regional offices.	New legislators elected leads to staff turnover.
Potential mitigating response	Expand the number of regional offices.	Strategic and regular engagement with communities.	Pool staff at the caucus level.

**Ethical and Compliance Risk**

*Ethical and compliance risk* includes staff activities, even if inadvertent, that violate ethics guidelines or fail to comply with established policies and procedures. These risks are inherently higher when an organization is geographically dispersed and oversight and management is more difficult. The pertinent laws and policies that govern legislative staff work are listed in Exhibit 40.

The Hybrid and District models present the risk of partisan staff engaging in electioneering. This is also a legal risk. A strong culture of regular ethics training, supported by strategically separated partisan and electioneering events scheduled by legislators themselves, may help mitigate this risk. If partisan staff also work for a member’s campaign while not working as a State of New Mexico employee, legislators and staff could voluntarily disclose these dual roles. Strong internal policies and procedures to clearly delineate job duties of partisan staff, including permissible off-hours and privately resourced electioneering activities, might also help. Legislators and staffers could sign annual acknowledgments confirming policies and procedures are current, regularly

**Exhibit 40. Key Statutes and Policies for Legislative Staff**

- Governmental Conduct Act
- Gift Act
- Campaign Reporting Act
- State Ethics Commission Act
- Legislative Employees Code of Conduct
- Anti-Harassment Policy of Legislative Council
- Whistleblower Act
- Procurement Code
- Financial Disclosure Act

reviewed and followed. Caucuses may perhaps establish best practices and guide their members in such activities. While TFG does not recommend it as a preventative measure, high-resolution technology audits (e.g., timekeeping, correspondence and geolocation system transaction logs) can aid any potential investigations.

**Exhibit 41. Ethical and Compliance Risks Associated with Each Staffing Model and Example Mitigating Response**

	Hybrid	Regional	District
Ethical and compliance risks	Electioneering	Distinguishing between non-partisan and partisan activities.	Electioneering  Distinguishing between non-partisan and partisan activities.
Potential mitigating response	<p>Strong culture of regular ethics training both in person and online.</p> <p>Strong internal policies and procedures related to distinguishing partisan from electioneering activities.</p> <p>Signed acknowledgments of understanding of policies by staff and legislators.</p>	<p>Strong culture of regular ethics training both in person and online.</p>	<p>Strong culture of regular ethics training both in person and online.</p> <p>Strong internal policies and procedures related to distinguishing between partisan and electioneering activities.</p> <p>Signed acknowledgments of understanding of policies by staff and legislators.</p>

### Legislative Ombud Position

To further mitigate all risks, TFG recommends creating a legislative ombud position. An ombud offers three key services to support the modernization of the legislature:

- *Conduit for Ethical Concerns.* Ombud positions fill the critical role of providing a confidential channel for staffers to report ethical concerns and noncompliance outside of their organizational structure. This is vital in maintaining the integrity of staffing models specifically, and the legislature generally. Staffers may fear retaliation if they report concerns through normal channels, but an ombud can ensure that such reports are handled with confidentiality and sensitivity, protecting both the legislature and staff.

- *Impartial Conflict Resolution.* An ombud position serves as a neutral and independent third party, facilitating the resolution of disputes and conflicts within the organization. The ombud's impartiality ensures that all parties involved receive fair treatment and have a neutral, protected environment in which to voice concerns. This impartiality is essential in office locations hosting partisan activities where sensitive, competing and contentious issues often arise, as it promotes transparency and maintains public trust. Such a position should include the resources necessary to quickly identify and resolve the matter, as well as provide information and training to avoid a reoccurrence.
- *Enhanced Organizational Performance.* In addition, ombud positions identify systemic issues and make recommendations for improvements. By proactively addressing these concerns and recommending changes, an ombud can help legislative personal staff function more efficiently and effectively. An ombud's insights can lead to the evolution of staffing models, better governance, increased accountability and, ultimately, better public service delivery.

## Appendices

*[please reference the separate appendices document]*

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