

~~October 25, 2024~~

January 20, 2025

NEW MEXICO LEGISLATIVE STAFF CODE OF CONDUCT

Legislative employees are public servants and shall treat their positions as public trusts. They shall use their positions only to advance the public interest and not to obtain personal benefits or pursue private interests. Legislative employees shall strive in all their actions to conduct themselves ethically and lawfully to preserve the integrity and dignity of the legislature. Legislative employees recognize that appropriate standards of conduct change over time due to unforeseen circumstances. Legislative employees are encouraged to foster a healthy ethical culture by raising questions about and discussing appropriate standards of ethical conduct with their colleagues and supervisors.

1. Confidentiality

Legislative employees necessarily receive or become aware of confidential information as part of their duties to the legislature and recognize that the free flow of such information to employees is critical to the work of the legislature. Therefore, legislative employees shall not use or disclose confidential information, including personal or private information, obtained by virtue of their employment except as specifically authorized.

2. Use of State Resources

Legislative employees recognize that state resources, including employees' work time, are public resources intended to benefit the public good. Therefore, legislative employees shall use state resources only to conduct state business, except for the occasional and incidental use of state resources that does not interfere with the employee's duties, including providing assistance at the direction of a legislator necessary to manage the legislator's other obligations while performing legislative duties as a citizen-legislator. Legislative employees respect the distinction between legislative and political activity and strive to assist legislators and other staff in recognizing that distinction.

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3. Independence

a. Legislative employees' professional loyalties are to the people of New Mexico, as represented by the legislature. Legislative employees shall not act in any manner that creates an appearance that their professional loyalties are divided. Other than their state compensation, legislative employees shall not request or receive gifts, compensation, money or other thing of value or promise of such that is conditioned upon or given in exchange for the performance of an act related to their employment or where it is known or reasonably should be known that the purpose of the donor is to influence the employee in the performance of the employee's duties. Legislative employees shall promptly report any offer of such to their agency director or chief clerk.

b. Legislative employees recognize that the unique nature of their positions carries additional responsibilities not found in other employment. Therefore, legislative employees shall not engage in any other employment or activity that conflicts or interferes with their duties to the legislature, compromises their ability to effectively discharge their duties or otherwise adversely affects the performance of their duties. Legislative employees are required to disclose outside employment (Section 10-16-4.2 NMSA 1978). Legislative employees recognize that such conflicts or interference might arise in a variety of situations, including in the use of social media, appearances at public forums and volunteer activities. A legislative employee shall promptly consult with the employee's agency director or chief clerk if the employee believes that the employee's actions may cause such a conflict or interference.

c. Legislative employees shall not hold political office, ~~except for a nonpartisan county or municipal office~~, or be an officer of a political organization during the employee's term of employment. ~~For the purposes of this code of conduct, being a local school board member or an elected board member of any post-secondary educational institution shall not be construed as holding political office, and being an election official shall not be construed as either holding political office or being an officer of a political organization.~~ Nothing in this code of conduct shall deny legislative employees the right to vote as they choose or, ~~except as provided herein~~, to express their opinions on political subjects and candidates.

d. A legislative employee who becomes a candidate for any political office shall, ~~resign upon filing or accepting the nomination and during the campaign, take a leave of absence.~~

e. A legislative employee shall not:

i. use the legislative employee's official authority or influence or state resources to interfere with or affect the result of an election;

ii. solicit, accept or receive uncompensated volunteer services from a legislative employee who is a subordinate; or

iii. allow the legislative employee's official title to be used in connection with events in support of or opposition to a particular candidate, party or ballot issue, including fundraising activities or hosting a fundraising event.

f. While on duty, a legislative employee shall not engage in an activity directed toward a desired electoral outcome for a particular candidate, party or ballot issue, including:

i. engaging in political activity (for example, wearing a political button, ~~or~~ displaying campaign materials or attending events in support of or opposition to a particular candidate, party or ballot issue); or

ii. soliciting, accepting or receiving a political contribution.

g. In addition to the restrictions listed above, legislative employees, excluding leadership office staff and district legislative aides who serve at the pleasure of an individual legislator, shall not at any time:

i. distribute fliers printed by a candidate's campaign committee, a political party or a partisan political group;

ii. organize or reorganize a political party organization or partisan political group;

iii. serve as a delegate, alternate or proxy to a political party convention;

iv. address a convention, caucus, rally or similar gathering of a political party or partisan political group in support of or in opposition to a candidate for partisan political office or political party office, if such address is done in concert with such a candidate, political party or partisan political group;

v. organize, sell tickets to, promote or actively participate in a campaign event,

convention or fundraising activity of a candidate for partisan political office or of a political party or partisan political group. Active participation means making a speech at an event; appearing on the program, on the dais or in the receiving line of an event; or allowing the legislative employee's name to be used in connection with the promotion of the event;

vi. canvass for votes in support of or in opposition to a candidate for partisan political office or a candidate for political party office, if such canvassing is done in concert with such a candidate, political party or partisan political group;

vii. endorse or oppose a candidate for partisan political office or a candidate for political party office in a political advertisement, broadcast, campaign literature or similar material if such endorsement or opposition is done in concert with such a candidate, political party or partisan political group;

viii. initiate or circulate a partisan nominating petition. Nothing herein should be construed to limit a legislative employee's right to sign a nominating petition;

ix. act as a recorder, watcher, challenger or similar officer at polling places in consultation or coordination with a political party or partisan political group or a candidate for partisan political office; or

x. drive voters to polling places in consultation or coordination with a political party or partisan political group or a candidate for partisan political office.

4. Consultation

A legislative employee who is unsure whether a particular activity is prohibited by this code of conduct shall consult with the employee's agency director or chief clerk.

5. Enforcement and Sanctions

a. Legislative employees are advised that serious disciplinary action up to and including termination of employment may result from activity that violates this code of conduct, including its appendices.

b. Legislative employees suspected of violating this code of conduct, including its appendices, shall be given an opportunity to present any relevant exculpatory evidence or mitigating circumstances regarding the accusation. Staff suspected of violating this code of

conduct shall be afforded appropriate privacy and confidentiality during any investigation process.

Appendix A
Use of Legislative Information System Information Technology Resources

A. DEFINITIONS. As used in this appendix:

- (1) "access" means to read, change or enter data;
- (2) "information technology resources" or "IT resources" means computer equipment, hardware, software, databases, electronic message systems, communications equipment, computer networks, telecommunications circuits and any information used within the Legislative Information System network to support programs or operations generated by, transmitted within or stored on any electronic media;
- (3) "malicious code" means any type of code intended to damage, destroy, steal or delete a computer system, network, file or data;
- (4) "pirated software" means licensable software for which a license has not been purchased or legally obtained;
- (5) "pornographic or offensive material" means images, documents or sounds that are:
 - (a) discriminatory or harassing;
 - (b) defamatory or libelous;
 - (c) obscene; or
 - (d) threatening to an individual's physical or mental well-being; and
- (6) "security mechanism" means a firewall, proxy, internet address-screening or filtering program or other system installed to prevent the disruption or denial of services or the unauthorized use, damage, destruction or modification of data and software.

B. POLICY. To encourage the effective and appropriate use of the legislature's IT resources, legislative employees shall not:

- (1) use IT resources except to conduct state business, although the occasional and incidental use of IT resources that does not interfere with the employee's duties and is not unlawful or inconsistent with this code of conduct is allowed;
- (2) upload or otherwise transfer out of the legislature's direct control any software licensed to the legislature or data owned or licensed by the legislature without authorization from the manager responsible for the software or data;

(3) intentionally violate any software licensure agreement entered into by the legislature or copyright;

(4) access, attempt to access or allow others to access IT resources for which they do not have authorization;

(5) use IT resources to reveal information contrary to state or federal laws, regulations, rules, policies, procedures or contract terms;

(6) use IT resources to download or distribute pirated software or data, including music or video files;

(7) use IT resources to knowingly propagate malicious code;

(8) use IT resources to knowingly disable or overload any computer system or network or to circumvent any system intended to protect the privacy of IT resources;

(9) use IT resources to access, display, distribute, edit or record pornographic or offensive material except with the written permission of their director or chief clerk in order to fulfill legitimate job responsibilities. The unsolicited receipt of pornographic or offensive material, such as might be received through email, shall not constitute a violation of this provision;

(10) use IT resources to override or circumvent any security mechanism belonging to the state or to any other government agency, organization, company or individual; and

(11) use IT resources for illegal activity.

This code of conduct is adopted by the New Mexico Legislative Council pursuant to the Governmental Conduct Act (Chapter 10, Article 16 NMSA 1978) and, in addition to all the applicable statutory requirements, applies to all legislative branch employees. (As adopted October 25, 2024 and effective on and after October 25, 2024.)

Representative Javier Martínez
Co-Chair, New Mexico Legislative Council
Speaker of the House of Representatives

Senator Mimi Stewart
Co-Chair, New Mexico Legislative Council
President Pro Tempore of the Senate

I have read and understand the provisions of the Legislative Staff Code of Conduct.

Employee's signature

Date