

## ARTICLE 15 Legislative Ethics

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### ANNOTATIONS

### **2-15-7. Interim legislative ethics committee; creation; appointment.**

A. An interim legislative ethics committee, appointed by the legislative council, is created. Members of the legislative council shall be allowed to serve on the interim legislative ethics committee.

B. All matters arising in the interim pertaining to legislative ethics shall be referred to this special interim legislative ethics committee.

C. The committee shall be appointed by the New Mexico legislative council so as to give the two major political parties in each house equal representation on the committee. In appointing the members to the committee, the legislative council shall adopt the recommendations of the respective floor leaders of each house.

D. The New Mexico legislative council shall name the interim ethics committee at the beginning of each interim, but shall convene the committee only upon the receipt of a complaint, a request for an advisory opinion or a referral.

**History:** [Laws 1993, ch. 46, § 52.](#)

### **2-15-8. Interim legislative ethics committee; duties.**

A. The interim legislative ethics committee is authorized to:

(1) issue advisory opinions on the interpretation and enforcement of ethical principles as applied to the legislature and that are not under the jurisdiction of the state ethics commission;

(2) investigate complaints from another member of the legislature or a member of the public alleging misconduct of a legislator;

(3) investigate referrals made to the co-chairs of the New Mexico legislative council from the state ethics commission, the attorney general, the secretary of state or a district attorney;

(4) hire special counsel, arbitrators or independent hearing officers as necessary; and

(5) make recommendations to the respective houses regarding proposed sanctions for ethical misconduct.

B. The interim legislative ethics committee shall issue an annual report no later than the first day of May of each year regarding its activities during the previous twelve months, including a listing of the number of complaints received, the disposition of the complaints that have been resolved and the advisory opinions issued.

C. The interim legislative ethics committee shall maintain a web page on the legislature's website.

**History:** [Laws 1993, ch. 46, § 53](#); [2019, ch. 86, § 22](#).

## ANNOTATIONS

**The 2019 amendment**, effective January 1, 2020, specified that the interim legislative ethics committee is authorized to issue advisory opinions on the interpretation and enforcement of ethical principles as applied to the legislature that are not under the jurisdiction of the state ethics commission, and required the interim legislative ethics committee to issue an annual report and to maintain a web page on the legislature's website; added new subsection designation "A" and redesignated former Subsections A through E as Paragraphs A(1) through A(5), respectively; in Paragraph A(1) added "and that are not under the jurisdiction of the state ethics commission", in Paragraph A(3), after "legislative council from the", added "state ethics commission, the", in Paragraph A(4), after "special counsel", added "arbitrators", in Paragraph A(5), after "respective houses", deleted "by the end of the first full week of the next convened regular session"; and added new Subsections B and C.

### **2-15-9. Interim legislative ethics committee; procedures; confidentiality.**

A. Except as provided in this section, the New Mexico legislative council shall develop procedures to carry out the provisions of this section, in accordance with the existing procedures in the house and senate rules.

B. A member of the interim legislative ethics committee is ineligible to participate in any matter relating directly to that member's conduct. In any such case, a substitute member to the committee shall be appointed from the same house from the same political party by the appropriate appointing authority. A member may seek to be disqualified from any matter brought before the interim legislative ethics committee on the grounds that the member cannot render a fair and impartial decision. Disqualification must be approved by a majority vote of the remaining members of the committee. In any such case, a substitute member to the committee shall be appointed from the same political party as provided in this section.

C. The interim legislative ethics committee is authorized to issue advisory opinions on matters relating to ethical conduct during the interim. Any question relating to the interpretation and enforcement of ethical principles as applied to the legislature may be submitted in writing to the New Mexico legislative council by a legislator describing a real or hypothetical situation and requesting an advisory opinion establishing an appropriate standard of ethical conduct for that situation. The question shall be referred to the interim legislative ethics committee.

D. To initiate any action during the interim on alleged misconduct, any legislator or member of the public may file a written, sworn complaint setting forth, with specificity, the facts alleged to constitute unethical conduct. A complaint shall be filed with the New Mexico legislative council. Upon receipt of the complaint, the co-chairs shall convene the interim legislative ethics committee.

E. The interim legislative ethics committee shall maintain rules of confidentiality unless the legislator against whom a complaint is filed waives the rules or any part of them in writing. The confidentiality rules shall include the following provisions:

(1) the committee and its staff shall not publicly disclose any information relating to the filing or investigation of a complaint, including the identity of the complainant or respondent, until after a finding of probable cause has been made that a violation has occurred;

(2) the identity of the complainant shall be released to the respondent immediately upon request; and

(3) no member of the committee or its staff may knowingly disclose any confidential information except as authorized by the committee.

**History:** [Laws 1993, ch. 46, § 54](#); [2023, ch. 59, § 1](#).

## ANNOTATIONS

**The 2023 amendment**, effective June 16, 2023, removed a confidentiality provision prohibiting a complainant from publicly disclosing any information relating to the filing or investigation of a complaint made to the interim legislative ethics committee alleging misconduct of a legislator; in Subsection B, after the first occurrence of "interim legislative ethics committee", deleted "shall be" and added "is", and after "brought before the", added "interim legislative"; and in Subsection E, Paragraph E(1), deleted "the complainant".

### 2-15-10. Criminal sanctions.

If the interim legislative ethics committee determines that in addition to recommending that sanctions be imposed by the respective house on the member, the conduct involves criminal activity, the interim ethics committee may refer the matter to the district attorney of the first judicial district, the district attorney of the judicial district where the member resides or the attorney general.

**History:** [Laws 1993, ch. 46, § 55](#).

### 2-15-11. Staff.

The staff for the interim ethics committee shall be provided by the legislative council service, but the committee is authorized to hire such special counsel or independent hearing officers as necessary to assist the legislative ethics committee when it is convened.

**History:** [Laws 1993, ch. 46, § 56](#).

### 2-15-12. New Mexico legislative council; budget.

The New Mexico legislative council shall annually provide an amount sufficient to carry out the duties and mandate of the interim [legislative] ethics committee.

**History:** [Laws 1993, ch. 46, § 57](#).

## ANNOTATIONS

**Bracketed material.** — The bracketed material was inserted by the compiler and it is not part of the law.