

January 9, 2009

The Honorable Cisco McSorley
415 Wellesley Place NE
Albuquerque, New Mexico 87106

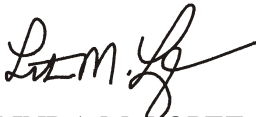
Dear Senator McSorley:


This is in response to your request dated July 16, 2008 for advisory opinions from the Interim Legislative Ethics Committee on two questions. The committee has issued an opinion on your first question (see Opinion No. 08-01), but it is not issuing an opinion on your second question. Pursuant to Paragraph (3) of Subsection A of Legislative Council Policy No. 16, the committee is issuing this letter explaining why no opinion will be issued.

You asked about the ethical implications of donating a portion of campaign contributions you have received to a nonprofit sports organization in which your child participates as a player. You correctly note that the Campaign Reporting Act allows a candidate to make an expenditure of campaign funds to an organization for which a federal tax deduction is allowed. There is some disagreement among the committee about the interpretation of the provisions of the law itself, including the purpose of allowing such expenditures and how the law applies to a legislator who is not legally a candidate. For those reasons, the committee respectfully declines to issue an opinion on your question.

In keeping with Legislative Council policy, a copy of this letter shall be mailed to all legislators and kept on file in the library of the Legislative Council Service.

Sincerely,


LINDA M. LOPEZ
State Senator, District 11
Co-Chair, Interim Legislative
Ethics Committee


NICK L. SALAZAR
State Representative, District 40
Co-Chair, Interim Legislative
Ethics Committee

LML/NLS:kf