

State Ethics Commission

Updates on significant disclosure and nondisclosure cases

Courts Corrections & Justice Interim Committee

October 5, 2026

Jeremy Farris

Executive Directors

New Mexico State Ethics Commission



Agenda

- Lobbyist Advertising Campaign Disclosures
 - *State Ethics Commission v. Elevate New Mexico* (N.M. 2nd Jud. Dist.)
 - Oracle's voluntary disclosure upon request
- Nondisclosure of Sensitive Personal Information Act
 - *State Ethics Commission v. Tafoya Lucero* (N.M. 1st Jud. Dist.)
- Disclaimers of Artificial Intelligence
 - *Babylon Bee v. Foy Castillo, et al.* (D.N.M.)

Lobbyist Advertising Campaigns: Elevate NM

- The original public comment period for the air quality permit for Project Jupiter ran from January 31, 2026 to March 2, 2026
- Elevate New Mexico, a Virginia nonstock corporation, conducted a print and digital advertising campaign for the purpose of soliciting supportive public comments to the Environment Department
- Upon request, Elevate refused to register their advertising campaign and disclosure their contributions and expenditures pursuant to Section 2-11-6(I)



Lobbyist Advertising Campaigns: Elevate NM

STATE OF NEW MEXICO COUNTY OF BERNALILLO SECOND JUDICIAL DISTRICT STATE ETHICS COMMISSION, Plaintiff, v. ELEVATE NEW MEXICO, Defendant.	FILED 2ND JUDICIAL DISTRICT COURT Bernalillo County 4/17/2026 2:43 PM KATINA WATSON CLERK OF THE COURT Nathan L. Luja No. <u>D-202-CV-2026-03769</u>
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COMPLAINT

1. The Lobbyist Regulation Act ("LRA"), NMSA 1978, §§ 2-11-1 to 2-11-10 (1977, as amended through 2023), "require[s] reporting and disclosure, thereby bringing lobbying activities—including the identity of the lobbyists; the interests they are employed to represent; the amounts of money spent to influence legislation; and the source of that money—into public view[.]" *N.M. Families Forward v. N.M. State Ethics Comm'n*, 2025-NMCA-016, ¶ 52, 571 P.3d 70.

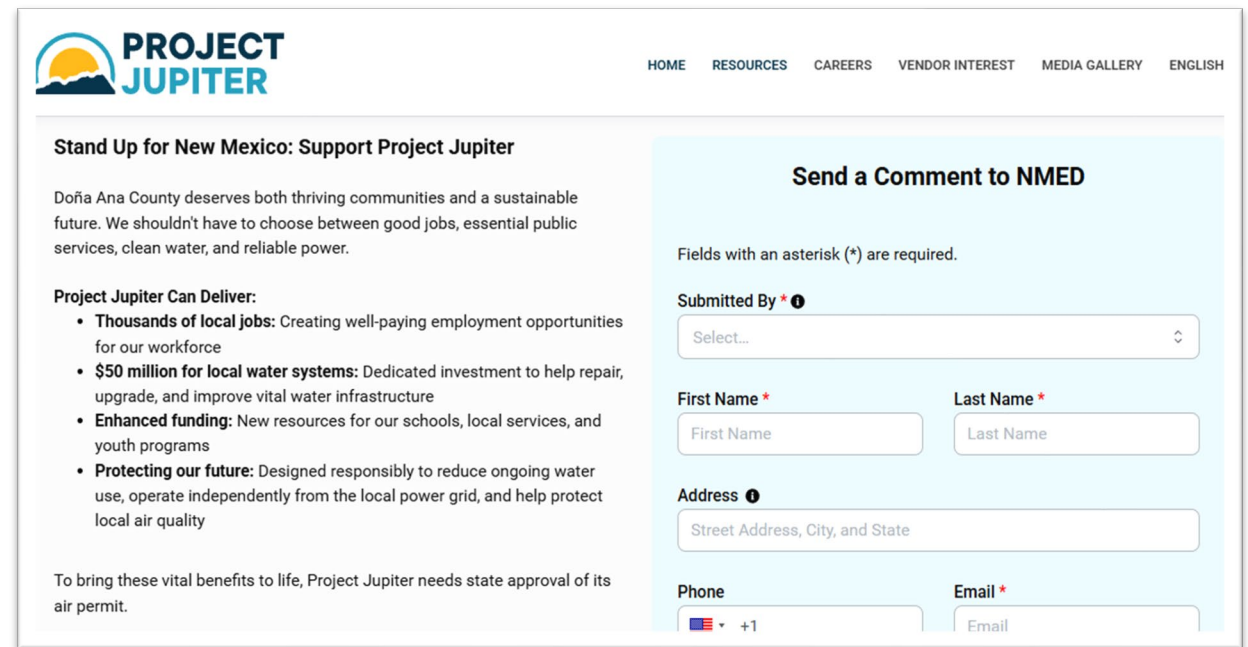
2. Among its provisions, the LRA requires organizations that engage in influencing the actions of state officials through a lobbying advertising campaign—rather than through direct contact with state officials—to register with the Secretary of State and to disclose the contributions and expenditures for the lobbying advertising campaign, much like the individual lobbyists engaged in direct lobbying. *See* NMSA 1978, § 2-11-6(1) (2019); *see also* *N.M. Families Forward*, 2025-NMCA-016, ¶ 56.

3. Defendant Elevate New Mexico ("Elevate") spent at least \$2,500 on an advertising campaign for the purpose of lobbying New Mexico Environment Department Secretary Kenney to approve two air permit applications submitted by Acoma, LLC for the

- The Commission filed suit in April 2026
- The parties settled in August 2026.
- Elevate registered its advertising campaign and disclosed it received \$3,667,000 in contributions from Yucca Growth, LLC, and reported \$419,478.44 in expenditures, including \$85,898 to Analytics Pros, Inc., and \$80,421 to Meta.

Lobbyist Advertising Campaigns: Oracle

- Yucca Growth Infrastructure applied to the New Mexico Environment Department (NMED) for air quality permits necessary to construct two microgrid power plants intended to power Project Jupiter, a proposed data center campus in Doña Ana County.
- Oracle conducted a multifaceted canvassing, print, and digital advertising campaign for the purpose of soliciting supportive public comments for Yucca Growth's permit applications to the NMED
- After the Commission sought voluntary compliance, Oracle registered its campaign and disclosed spending \$3,444,500 on their campaign to Brabender Cox.



The screenshot shows the Project Jupiter website with a navigation bar at the top containing links for HOME, RESOURCES, CAREERS, VENDOR INTEREST, MEDIA GALLERY, and ENGLISH. The main content area is titled "Stand Up for New Mexico: Support Project Jupiter" and includes a paragraph about Doña Ana County's future. Below this is a section titled "Project Jupiter Can Deliver:" with four bullet points: "Thousands of local jobs", "\$50 million for local water systems", "Enhanced funding", and "Protecting our future". At the bottom of this section is a note about state approval. To the right is a light blue box titled "Send a Comment to NMED" containing a form with fields for "Submitted By" (a dropdown menu), "First Name", "Last Name", "Address", "Phone", and "Email". A note above the form states "Fields with an asterisk (*) are required."

PROJECT JUPITER

HOME RESOURCES CAREERS VENDOR INTEREST MEDIA GALLERY ENGLISH

Stand Up for New Mexico: Support Project Jupiter

Doña Ana County deserves both thriving communities and a sustainable future. We shouldn't have to choose between good jobs, essential public services, clean water, and reliable power.

Project Jupiter Can Deliver:

- **Thousands of local jobs:** Creating well-paying employment opportunities for our workforce
- **\$50 million for local water systems:** Dedicated investment to help repair, upgrade, and improve vital water infrastructure
- **Enhanced funding:** New resources for our schools, local services, and youth programs
- **Protecting our future:** Designed responsibly to reduce ongoing water use, operate independently from the local power grid, and help protect local air quality

To bring these vital benefits to life, Project Jupiter needs state approval of its air permit.

Send a Comment to NMED

Fields with an asterisk (*) are required.

Submitted By * ⓘ
Select...

First Name * Last Name *
First Name Last Name

Address ⓘ
Street Address, City, and State

Phone Email *
+1 Email

Reconsidering NMSA 1978, § 2-11-6(I) to work for the legislative and executive branches

An organization of two or more persons, including an individual who makes any representation as being an organization, that within one calendar year expends funds in excess of two thousand five hundred dollars (\$2,500) not otherwise reported under the Lobbyist Regulation Act to conduct an advertising campaign for the purpose of lobbying shall register with the secretary of state within forty-eight hours after expending two thousand five hundred dollars (\$2,500). Such registration shall indicate the name of the organization and the names, addresses and occupations of any of its principals, organizers or officers and shall include the name of any lobbyist or lobbyist's employer who is a member of the organization. Within fifteen days after a legislative session, the organization shall report the contributions, pledges to contribute, expenditures and commitments to expend for the advertising campaign for the purpose of lobbying, including the names, addresses, employers and occupations of the contributors, to the secretary of state on a prescribed form.

Nondisclosure of Sensitive Personal Information Act (NMSA 1978, § 10-16I-3)

A state agency employee shall not intentionally disclose sensitive personal information acquired by virtue of the employee's position with a state agency to anyone outside of the state agency except when such disclosure is:

- Necessary to carry out a function of the state agency
- Necessary to comply with a court order or made to a court
- Required by IPRA
- Required by federal statute
- Made with consent of person whose information is disclosed

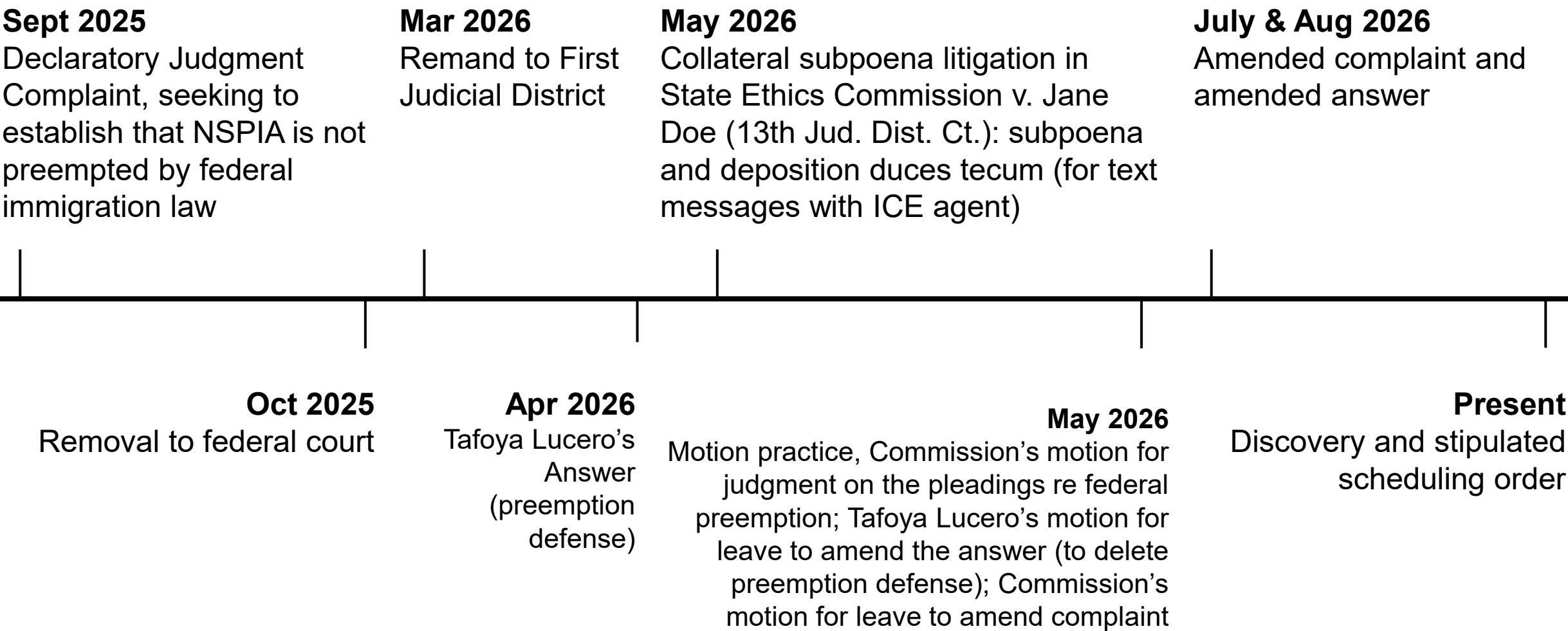
State Ethics Commission v. Tafoya Lucero: Introduction

- A Commission investigation indicated that since July 1, 2025, employees of NMCD's Probation and Parole Division (PPD) have communicated with federal ICE agents regarding the New Mexico probationers and have facilitated the arrest of New Mexico probationers in PPD offices in both Region 1 (Santa Fe) and Region 2 (Albuquerque).
- This practice has resulted in the arrest and removal of New Mexico probationers and severe hardship to their New Mexican families.
- The practice also likely violates NSPIA.

STATE OF NEW MEXICO COUNTY OF SANTA FE FIRST JUDICIAL DISTRICT		FILED 1st JUDICIAL DISTRICT COURT Santa Fe County 7/9/2026 4:03 PM KATHLEEN VIGIL CLERK OF THE COURT Shana Stewart
STATE ETHICS COMMISSION, Plaintiff, v. ALISHA TAFOYA LUCERO, in her official capacity as the Secretary of the New Mexico Corrections Department, Defendant.		No. D-101-CV-2025-02343
AMENDED COMPLAINT		
1. The Nondisclosure of Sensitive Personal Information Act ("NSPIA"), NMSA 1978, §§ 10-16I-1 to -4 (2025), effective as of July 1, 2025, prohibits New Mexico state agency employees from intentionally disclosing sensitive personal information, including information regarding an individual's immigration status and national origin, to anyone outside of the state agency, except in limited, enumerated circumstances.		
2. Both before and after July 1, 2025, employees of the New Mexico Corrections Department ("NMCD"), Adult Probation and Parole Division ("PPD"), Regions I and II, intentionally disclosed information regarding the immigration status and national origin of New Mexico probationers to one or more agents of the United States Immigration Customs and Enforcement ("ICE") and, moreover, have facilitated the arrest by ICE agents of New Mexico probationers, resulting both in the detention and deportation of those New Mexico probationers and hardships to their New Mexican and American family members.		

Procedural History

State Ethics Commission v. Tafoya Lucero



State Ethics Commission v. Tafoya Lucero

Aim of litigation

- The Commission does not seek any fines in this case.
- The Commission seeks injunctive relief reasonably calculated to prevent violations of NSPIA:
 - Forbidding NMCD employees from facilitating arrest of New Mexico probationers by ICE agents and making other implicit or constructive disclosures of immigration status and national origin to ICE agents
 - Requiring NMCD to amend Policy CD-0513000 to make clear that the policy does not allow NMCD to implicitly disclose individuals' immigration status or national origin to federal ICE agents
 - Requiring NMCD to apply progressive discipline in a way that will deter and prevent violations of NSPIA
 - Create effective safeguards in NMCD's OMNI database restricting access to immigration status and national origin information in a way that will prevent violations of NSPIA
- The Commission seeks declaratory relief that 8 U.S.C. §§ 1373 and 1644 do not lawfully prohibit the Commission from instituting a civil action to enforce NSPIA

Disclaimers of material deceptive media: Deepfakes, artificial intelligence, and the Campaign Reporting Act

- Section 1-19-26.4 of the Campaign Reporting Act (Senate Bill 3 (2019) and House Bill 182 (2023))
- Babylon Bee's August 4, 2026 satirical travel advertisement
- *Babylon Bee LLC v. Foy Castillo, et al.*
 - Summary of litigation
 - The Commission's position on Section 1-19-26.4(D)

1-19-26.4. Disclaimers in advertisements; artificial intelligence; materially deceptive media; violation; penalty.



A. A person who makes a campaign expenditure, a coordinated expenditure or an independent expenditure for an advertisement in an amount that exceeds one thousand dollars (\$1,000), or in an amount that, when added to the aggregate amount of the campaign expenditures, coordinated expenditures and independent expenditures for advertisements made by the same person during the election cycle, exceeds one thousand dollars (\$1,000), shall ensure that the advertisement contains the name of the candidate, committee or other person who authorized and paid for the advertisement.

B. The requirements of Subsection A of this section do not apply to the following:

- (1) bumper stickers, pins, buttons, pens and similar small items upon which the disclaimer cannot be conveniently printed; or
- (2) skywriting, water towers, wearing apparel or other means of displaying an advertisement of such a nature that the inclusion of a disclaimer would be impracticable.

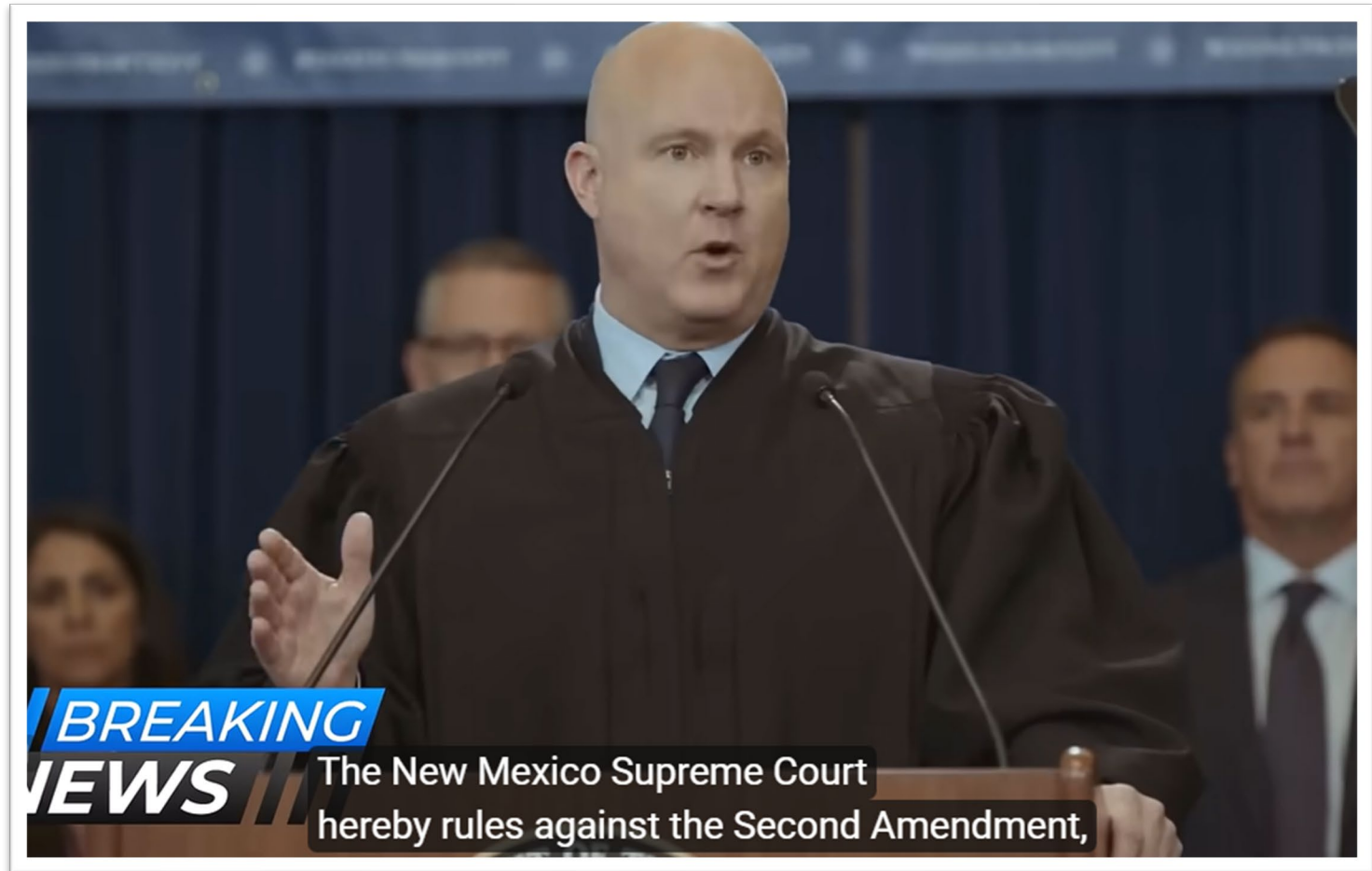
C. The disclaimer statements required by Subsection A of this section shall be set forth legibly on any advertisement that is disseminated or displayed by visual media. If the advertisement is transmitted by audio media, the statement shall be clearly spoken during the advertisement. If the advertisement is transmitted by audiovisual media, the statement shall be both written legibly and spoken clearly during the advertisement.

D. If a person creates, produces or purchases an advertisement that contains materially deceptive media, the advertisement shall include a disclaimer. The disclaimer shall appear in a clear and conspicuous manner in every language used in the advertisement and shall indicate: "This ____ has been manipulated or generated by artificial intelligence". The blank line in the disclaimer shall be filled with each of the following terms that describes the media:

- (1) image;
- (2) video; or
- (3) audio.

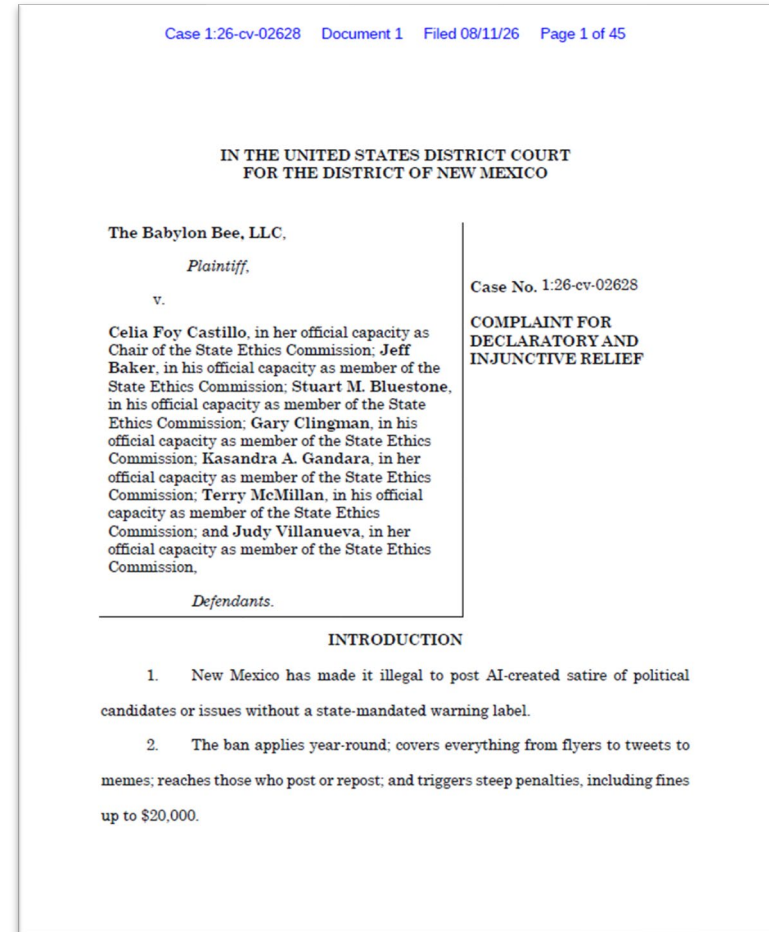
Disclaimers of Artificial Intelligence

- On August 4, 2026, Babylon Bee LLC published a satirical travel solicitation that included an AI-rendering of Justice Thomson saying words he did not say.
- Justice Thomson did not consent to this depiction.
- Justice Thomson is a candidate in the current election cycle, facing a retention election in November.



Disclaimers of Artificial Intelligence

- A week later, Babylon Bee sued the State Ethics Commissioners. *Babylon Bee LLC v. Foy Castillo, et al.* (D.N.M.)
- Pre-enforcement lawsuit seeking declaratory relief that First Amendment prohibits the Commission's enforcement of Section 1-19-26.4 of the Campaign Reporting Act
- Babylon Bee has moved for a preliminary injunction, and the Commission has moved to dismiss for lack of jurisdiction
- Those motions are currently pending before the Honorable David. H. Urias, U.S. District Court for the District of New Mexico



Thank you

www.sec.nm.gov

ethics.commission@sec.nm.gov

