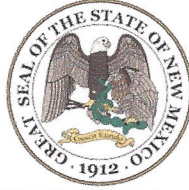


STATE OF NEW MEXICO
OFFICE OF THE ATTORNEY GENERAL



HECTOR H. BALDERAS
ATTORNEY GENERAL

June 17, 2020

The Honorable Mark Moores
New Mexico State Senator
R- Bernalillo-21
PO Box 90970
Albuquerque, New Mexico 87199
Mark.moores@nmlegis.gov

Re: Opinion Request – Restrictions of Campaign Committee Contribution to a Municipal Measure Finance Committee

Dear Senator Moores:

You requested our advice regarding whether donations from a state campaign committeeⁱ to a municipal candidate or local committee advocating for a municipal candidate violate the New Mexico Campaign Reporting Act, NMSA 1978 Section 1-19-29.1. As explained below, we conclude that the New Mexico Campaign Reporting Act does not prohibit campaign committees from contributing to local or municipal candidates or local committees advocating for a municipal candidate. It is important, however, to review local and federal regulations to ensure further restrictions do not exist for a candidate.

In New Mexico, the Campaign Reporting Act provides seven permitted uses of campaign account monies. NMSA 1978, Section 1-19-29.1(A)(6) (1993, as amended through 2009). One permitted use is to make “donations to a political committeeⁱⁱ or to another candidate seeking election to public office.” *Id.* In two previous advisory letters, our office has opined that the Campaign Reporting Act does not make a distinction between a federal, state or local candidate and a common sense reading of the law is that a donation to a candidate for any public office – federal, state or local is permissible.” *See* July 23, 2009 N.M. Att’y Gen. Advisory Letter; June 24, 2010 N.M. Att’y Gen. Advisory Letter; and Section 1-19-29.1(A)(6).

Because Section 1-19-29.1 has not been amended in the interim, we believe it is permissible under the New Mexico Campaign Reporting Act for a state campaign committee to make a donation to a municipal candidate or local committee advocating for a municipal candidate. Without more information about the specific municipality, our office cannot verify whether local regulations

The Honorable Mark Moores
June 17, 2020
Page 2

place additional requirements on donations made from state campaign committees. Furthermore, this opinion does not address federal regulations that may also affect a municipal candidate's ability to receive certain donations.

Based on this conclusion, it is not necessary to address your secondary question about possible defenses if there was a violation of the New Mexico Campaign Reporting Act.

You requested a formal Attorney General's opinion on the matters discussed above. This opinion is a public document, not subject to the attorney-client privilege. Therefore, we may provide this letter to the public. If this office may be of further assistance, or if you have questions regarding this opinion, please contact our office.

Sincerely,



Valerie Joe
Assistant Attorney General

ⁱ The New Mexico Campaign Reporting Act defines "campaign committee" as "an association of two or more persons authorized by a candidate to act on the candidate's behalf for the purpose of electing the candidate to office." NMSA 1978, Section 1-19-26(E) (2019).

ⁱⁱ The New Mexico Campaign Reporting Act defines "political committee" as "(1) political party; (2) a legislative caucus committee; (3) an association that consists of two or more persons whose primary purpose is to make contributions to candidates, campaign committees or political committees or make coordinated expenditures or any combination thereof; or (4) an association that consists of two or more persons whose primary purpose is to make independent expenditures and that has received more than five thousand dollars (\$5,000) in contributions or made independent expenditures of more than five thousand dollars (\$5,000) in the election cycle." NMSA 1978, Section 1-19-26(Q).