

## **N.M. ETHICS COMMISSION CONSTITUTIONAL AMENDMENT:**

### **FREQUENTLY ASKED QUESTIONS**

#### **Why do we need a state ethics commission?**

In a strong democracy, everyone must play by the same common-sense rules, regardless of party or position. And when those rules are broken, consequences must follow. No one, even if they are an elected official or a top appointee, should be above the law. In New Mexico, where we have a citizen legislature and a family-oriented, traditional way of doing business, we need a clear set of guidelines to steer everyone away from conflicts of interests. We need to avoid even the **perception** of a pay-to-play and corrupt government that is now discouraging both businesses wishing to enter and grow New Mexico's economy, and our own citizens. This negative perception has earned our state failing rankings in both economic opportunity and "good government" polls. New Mexicans deserve better.

#### **What would the commission do?**

The commission will oversee public employees, state officials, contractors and lobbyists, and will investigate and adjudicate violations of the governmental conduct act and campaign finance laws. It will be independent of both the legislature and the executive branches. It will have the ability to investigate complaints, hold public hearings, subpoena records, and issue opinions and rulings. In order to begin restoring the public's trust that wrongdoers will be held accountable, this commission must conduct its work in a transparent manner to the public and have the ability to impose both fines and legal sanctions.

#### **How much power/influence will the commission have?**

The actual duties of the commission will be developed in the enabling legislation, which will be written in the 2019 session. Just how powerful the commission will be, will be determined then. The commission will be able to investigate both complaints brought to it, as well as initiate investigations. It may compel testimony about alleged wrongdoing, using its subpoena power if needed, hold public hearings, settle disputes and issue opinions and rulings. Illegal activities will be referred to the Secretary of State, the courts or the Attorney General for appropriate sanctions, although, the legislature may give the commission the power to levy fines and sanctions on its own.

#### **Will it help the average voter/citizen?**

### **CORRUPTION, PARTICULARLY WHEN IT GOES UNCHECKED, HURTS ALL OF US.**

It penalizes voters, contractors, candidates and officials who play by the rules. Ordinary citizens are at a disadvantage when lobbyists break the rules and are able to exert undue influence; contractors don't get the state job when it is awarded to an official's family member or someone who has an "in" with an elected official. Shoddy services or substandard state products often result. And once the state gets a reputation for corruption, it becomes more difficult to attract out-of-state businesses or even promote our many assets.

With the passage of this amendment, **NEW MEXICO JOINS THE 48 OTHER STATES** who already have an ethics commission. This will provide an avenue for citizens to safely lodge complaints of possible wrongdoing and also give elected officials guidance with advisory opinions to answer questions. Everyone benefits when elected officials are held accountable to their citizens. A boost in public trust results in more active participation by more of New Mexico's citizens.

### **How much will an ethics commission cost taxpayers?**

The cost will depend upon the 2019 legislation, which will enable and guide the abilities of the commission. The size of its staff, the amount of per diem for commissioners to attend hearings, office-space rental and other related expenses are yet to be determined. The total costs of the commission could range anywhere from \$500,000 - \$1 million per year, a small amount of money when it is compared to the costs of running other state agencies and especially against the estimated cost of not having a commission or any other mechanism to help prevent corruption-- and the consequent misuse of taxpayer dollars-- before it happens. In other states, fines levied on those who have been found to have violated campaign reporting, lobbying or governmental conduct laws, partially helps to defray the cost of operations.

### **Who will be on the commission?**

Who is not on the commission is just as important as who is on the ethics commission. The commission is not a self-policing mechanism and it will not include current legislators, candidates or politicians. It will be independent of those who might be the subject of complaints. The commission will include seven members appointed as follows:

- **One member by the Governor**
- **One member by the President Pro Tempore of the Senate**
- **One member by the Minority Leader of the Senate**
- **One member by the Speaker of the House of Representatives**
- **One member by the Minority Leader of the House of Representatives**
- **Two members of differing parties by the four legislatively appointed members**

Membership on the commission will be balanced, with **NO MORE THAN THREE** members of the same political party. Actual members of the commission will be named after the amendment passes and the legislature sets up the commission in law.

### **Who supports/opposes it?**

Creation of an ethics commission has widespread and bipartisan support throughout the state. In a 2017 poll taken by Common Cause, **NINE OUT OF EVERY TEN** voters statewide say they either strongly support (62%) or somewhat support (27%) the creation of an independent ethics commission that would establish and enforce rules relating to the ethical behavior and action of state officials. Republicans, Democrats and Independents from all parts of the state supported a commission. Previous legislative measures to establish ethics commissions have been sponsored jointly by Democrats and Republicans.

