

NEW MEXICO STATE ETHICS COMMISSION

Commission Meeting Minutes of October 30, 2019, 8:15am-11:30am
Morgan Hall, State Land Office

1. Call to order and roll call: The meeting was called to order by Commissioner Carruthers. The roll was called. The following Commissioners were present:

Stuart Bluestone, Commissioner
Garrey Carruthers, Commissioner
Dr. Judy Villanueva, Commissioner
Frances Williams, Commissioner
Jeffrey Baker, Commissioner (arrived after initial roll call)
Ronald Solimon, Commissioner (arrived after initial roll call)

2. Approval of Agenda: Commissioner Bluestone moved to approve the agenda, Commissioner Williams seconded. The motion was approved unanimously.

3. Approval of October 4, 2019 Commission Meeting Minutes: Commissioner Bluestone moved to approve the minutes, Commissioner Williams seconded. The motion was passed unanimously.

4. Presentation on the office, network security, and voicemail security: Director Farris introduced Mr. Joseph Baros, Department of Finance and Administration Chief Information Officer. Mr. Baros presented on the establishment and security of the network and servers that the Ethics Commission will use. Mr. Baros explained that the Department of Information Technology (DoIT) will install the Commission's network; that the Commission's internet will run through the UNM network before being diverted to DoIT's network via a switch in the server closet; and DoIT will maintain and provide for the security of the Commission's information on DoIT servers. Mr. Baros explained that there is no fail safe guarantee from hacking attempts. Mr. Baros also explained that external hard drives could be used to increase information security and that DoIT might offer additional security services involving encryption, if the Commission desires. Mr. Baros also explained that DoIT will be responsible for the installation, maintenance, and security of the Commission's telephone and voicemail (VoIP) lines.

5. Presentation and approval of the Commission's FY20 supplemental budget request: Mr. Farris reviewed the FY20 supplemental budget request for \$385,000 that was submitted to the Department of Finance and Administration State Budget Division Analyst, Diego Jimenez, and the Legislative Finance Committee staff member, Alison Nichols. Mr. Farris explained that the FY20 supplemental budget request was prepared in collaboration with Department of Finance and Administration Administrative Services Division staff and was based on an extrapolation of the FY21 budget request for the final three months in FY20. Mr. Farris explained that the supplemental budget request would be for funds for two additional personnel members and contracts for hearing officers, investigators, and other professional services, such as website and case-management-web-application services. The Commission unanimously approved the FY20 supplemental budget request for \$385,000.

6. Secretary of State's (SOS) Presentation: Secretary Maggie Toulouse Oliver, accompanied by her lead staff members, introduced themselves to the Commission. The SOS delegation included Deputy Secretary Sharon Pino, Elections Director Mandy Vigil, Dillon Lang, and Tonya Herring.

a. The SOS's presentation began by listing the various acts upon which the SOS and SEC have joint jurisdiction. This included the Campaign Reporting Act (CRA), the Lobbyist Regulation Act (LRA), the Voter Action Act (VAA) and the Financial Disclosure Act (FDA). Secretary Toulouse Oliver explained that the Board of Elections is responsible for the administration of those statutes and has a staff of eleven members. Dillon Lang was the primary presenter for the SOS.¹

b. Mr. Lang first spoke to the CRA, providing an outline of the Act and the process for addressing complaints and investigations. Commissioner Bluestone said he was concerned that all the complaints under the CRA may be referred by the SOS directly to the SEC. Mr. Farris said that, ideally, only those "external" complaints that the SOS deems in need of SEC investigation should be referred. Mr. Farris further stated that there are currently 703 candidates for election, approximately 22,000 state workers and approximately 32,000 contractors who are under the jurisdiction of the SEC. Secretary Toulouse Oliver noted that one of the biggest challenges related to political action committees is maintaining contact with the committees. Mr. Lang and Ms. Vigil explained that the SOS tries to keep the contact information updated, but often times their outreach is into a void. Commissioner Bluestone asked if the percentage of political opposition complaints is fairly high. Mr. Lang said it was. Commissioner Bluestone asked how information is provided to the public. Mr. Lang responded that the online public record is the focus.

c. Mr. Lang proceeded to discuss the LRA. He said it was similar in process to the CRA. One shortcoming is that there is no distinction between compensated and uncompensated lobbyists, and that that information is not captured. He said the SOS is working on a new system that will differentiate between the two groups. Mr. Lang gave a short presentation on the VAA, noting that it is a sparsely worded statute. He then moved to the FDA. With respect to the FDA, Mr. Farris said it was important to note that the SEC had the authority to initiate civil litigation. Commissioner Carruthers said that the lack of financial disclosure filing requirements for the SEC appointees is an issue. Commissioner Williams said that a discussion needs to take place in the future, suggesting a requirement that SEC appointees provide disclosure statements.

d. Commissioner Williams asked about mandatory harassment training for elected officials. Secretary Toulouse Oliver replied that the Legislative Council Service provides mandatory training to legislative staff and legislators. Commissioner Villanueva asked the Secretary if she could provide areas she thought most in need of work between the two offices. Deputy Secretary of State Pino responded, saying that one major difference is that the SOS makes all complaints public immediately upon receiving them, while the SEC has confidentiality

¹A copy of the SOS's presentation is appended hereto.

requirements. Mr. Farris said that this might create a difficult circumstance as the SOS will have the initial review of the complaint and thus it will be public prior to being referred to the SEC.

7. Public Comment: No member of the public in attendance had a comment.
8. The meeting was adjourned at 11:30 a.m.