



State of New Mexico
Office of the Lieutenant Governor

Strengthening Ethics and Transparency in Government

July 9, 2009

Lieutenant Governor Diane D. Denish is committed to preserving and strengthening the public's trust in New Mexico state government and has a long record of championing government ethics reform, from fighting for increased transparency to calling for tough penalties for those who violate ethical standards. During the 2009 legislative session, the Lt. Governor fought for several major pieces of reform legislation, including reform of the Regional Housing Authority, increased campaign finance reporting, the creation of a web-based database of state contracts, and a measure making it easier for the public to access public government documents.

During the 2010 legislative session, Lt. Governor Denish will continue this fight by putting forward a comprehensive package of reform proposals to strengthen oversight and enforcement of ethics laws and standards, increase transparency in government, and strengthen rules related to campaign finance and lobbying.

STRENGTHENING OVERSIGHT AND ENFORCEMENT

Lt. Governor Diane Denish knows that even the best intentioned laws are meaningless in the absence of strong oversight and enforcement.

Creation of a State Ethics Commission

Lt. Governor Denish proposes establishing an aggressive and empowered State Ethics Commission (SEC) dedicated to oversight and enforcement of ethics rules and standards. The Commission will have the power to investigate ethics complaints and impose penalties when necessary.

Seeking to remove political considerations from the selection of Ethics Commission members or the deliberations of the Ethics Commission itself, Denish's plan will rely upon the Supreme Court to nominate multiple candidates for each opening on the Commission, based on strict criteria. The Governor and leaders from both parties in the House and the Senate would then select Commission members from the list of nominees provided for each open position.

Role and Responsibilities of the State Ethics Commission

- 1) *Receive and Investigate Ethics Complaints:* The SEC will be responsible for receiving and investigating ethics complaints against state officials, state employees, state appointees, government contractors and lobbyists.
- 2) *Launch Investigations:* The SEC will be empowered to launch investigations, even in the absence of a formal complaint.
- 3) *Issue Subpoenas:* The SEC would be empowered to request the district court to issue subpoenas
- 4) *Seek and Impose Penalties:* The SEC will be empowered to impose administrative fines and refer cases to the Attorney General's office for possible criminal prosecution when necessary. The SEC will make all findings accessible in an online database.
- 5) *Establish a Uniform Code of Ethics:* During its first year, the SEC will draft a proposed uniformed code of ethics for all state officials, state employees and state appointees.
- 6) *Establish a Mandatory State Ethics Training Program:* The SEC will create an ethics training program for all state employees and appointees. The SEC will work with the Attorney General in developing this program.
- 7) *Establish a Mandatory IPRA and Procurement Code Training Program:* The SEC will develop a training and certification process for all state employees on compliance with IPRA and the procurement code. All state employees will be required to be certified.

Selection Process for Ethics Commission Members

Past efforts at creating a State Ethics Commission have bogged down in a fight over whether the Governor or the Legislature controls the appointments. A new mechanism is clearly needed to take political considerations out of the process. Lt. Governor Denish's proposal separates the appointment decisions from those with a vested interest in the process and places the process of nominating candidates for the Ethics Commission in the hands of unbiased parties.

Supreme Court Nominates Candidates for the Ethics Commission: Appointments to the State Ethics Commission shall be made jointly by the Executive and Legislative branches from a pool of candidates nominated by the New Mexico Supreme Court. The Supreme Court shall name at least three nominees per vacancy for the SEC.

Governor and Legislative Leaders Select From Court Nominated Candidates: The State Ethics Commission shall be made up of seven members, serving in staggered terms of four years. The Governor shall appoint three from the candidate pool, the House Speaker and Minority Leader shall each appoint one from the candidate pool, and the Senate President Pro-Tem and Minority Leader shall each appoint one from the candidate pool.

Ethics Commission Nominees Must Meet Strict Standards: Because the State Ethics Commission will have great authority for monitoring the ethical behavior of public officials it is necessary to ensure that members avoid any appearance of impropriety. Therefore the Supreme Court will limit its selection of candidates to match the following criteria:

- 1) No elected official or individual currently employed by a government or associated with public employment could serve.
- 2) No commissioner may contribute to or solicit contributions for any candidate while serving on the commission.
- 3) No officers of political parties may serve.
- 4) No lobbyist, immediate family member of a lobbyist or employee of a firm which lobbies may serve.

INCREASING TRANSPARENCY IN STATE GOVERNMENT

Lt. Governor Diane Denish believes that the best way to guarantee ethical conduct by government officials is to conduct government business in an open and transparent manner. While progress has been made in this area in recent years, Lt. Gov. Denish believes that much more can be done.

Establishing a Web-Based Sunshine Portal

Lt. Gov. Denish will introduce legislation to create web-based Sunshine Portal. In addition to consolidating currently available information sources into a single clearinghouse website, the portal will also make available significant new information that is currently unavailable or difficult to obtain. The Sunshine Portal will be a searchable, user-friendly, public website that discloses how our State government receives and spends funds in a simple and straightforward manner. Information available on the Sunshine Portal will include:

- 1) **State's Check Ledger:** For the first time, the public will be able to see how every tax dollar is spent by accessing an online system that tracks every state expenditure. The information will be organized by department and agency.
- 2) **Capital Outlay Tracker:** For the first time, the public will be able to track all capital outlay projects from appropriation to expenditure. The Capital Outlay Tracker will also include information about sponsors, amounts, and current status.
- 3) **Open Meeting Act Tracker:** The legislation will amend the Open Meetings Act to require that all scheduled meetings are not only publicized, but that they need to be posted on the Sunshine Portal. The public could search information about open meetings by either calendar date or by governmental body.
- 4) **Contractor Database:** The Sunshine Portal will link to the state Contractor Database which was created in the 2009 session as a result of the Lt. Governor's legislation.
- 5) **"Statebook" networking site:** All state employees with decision-making capacity from Governor down will have a page. The page will include basic information about who holds the position, what their responsibilities are, and how to reach them.
- 6) **Exempt Employee Salary Database:** For the first time ever, salary information for all state exempt employees will be available on the Sunshine Portal.
- 7) **Statutes and Regulations:** Links to find all statutes and regulations will be available.
- 8) **State Agency Information:** All state agencies will post all information that can be made public, including raw data.
- 9) **Wiki site for Legislation and Issues:** A wiki site for constituents to voice their opinions on legislation, and take a crack at amending or drafting discussion drafts.
- 10) **311 Hotline:** The legislation will create a 311 Hotline to allow people without a computer access to the Sunshine Portal information.

INCREASING TRANSPARENCY IN POLITICAL CAMPAIGNS AND LOBBYING

Lieutenant Governor Diane Denish believes that increased transparency in government must be matched by increased transparency in political campaigns and lobbying. The public has a right to timely information about

who is financing the political campaigns of New Mexico's elected officials and how much lobbyists are spending in their efforts to influence those elected officials.

Strengthen Lobbyist Reporting Requirements

Lt. Governor Denish will introduce legislation to strengthen lobbyist reporting requirements. Currently, lobbyists must report how much they spend to influence elected officials and whom they represent only twice per year. This legislation will require registered lobbyists to make reports of all activity every three months. Within two years this legislation will require all lobbyists to report every 30 days.

Strengthen Campaign Finance Reporting Requirements

Lt. Governor Denish will introduce legislation mandating that all candidates for state office file campaign contribution reports every three months, something she already does voluntarily. Within two years this legislation will require reports to be filed every 30 days.