

**MAIL ROUTING FORM
ATTORNEY GENERAL'S EXECUTIVE OFFICE**

DATE: September 23, 2008

TO: CIV: ELIZABETH GLENN

FROM: ALBERT LAMA

- X REVIEW AND PREPARE REPLY FOR AG'S SIGNATURE
(Deliver response to RICHARD RUSSELL for review by ALBERT LAMA)
- _ FOR YOUR HANDLING; SEND COPY OF YOUR RESPONSE
TO RICHARD RUSSELL OR ADVISE HIM OF DISPOSITION
- _ FOR YOUR HANDLING
- _ FOR YOUR INFORMATION
- _ OTHER

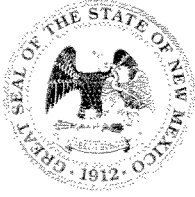
REQUEST/COMMUNICATION FROM: Cisco McSorley, Albuquerque, NM

DATE RECEIVED: 9/23/2008

SUBJECT: Requesting an Attorney General's Opinion in regards to the Campaign Reporting Act.

CC: Gary King, Al Lama & Phil Sisneros

MESSAGE:



New Mexico State Senate

State Capitol
Santa Fe

September 17, 2008

COMMITTEES:

CHAIRMAN:
· Judiciary

MEMBER:
· Rules

SENATOR CISCO McSORLEY
D-Bernalillo-16

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The Honorable Gary King
New Mexico Attorney General
408 Galisteo Street
Santa Fe, NM 87504

Dear Attorney General King:

I am seeking an Attorney General's Opinion of the Campaign Reporting Act. Specifically, I would like clarification from you as to the definition of "political committee". In Subsection L of Section 1-19-26 NMSA 1978, "political committee" is defined as "two or more persons, other than members of a candidate's immediate family or campaign committee or a husband and wife who make a contribution out of a joint account, who are selected, appointed, chosen, associated, organized or operated primarily for a political purpose, and includes:

- (1) political action committees or similar organizations composed of employees or members of any corporation, labor organization, trade or professional association or any other similar group that raises, collects, expends or contributes money or any other thing of value for a political purpose;
- (2) a single individual who by his actions represents that he is a political committee; and
- (3) a person or an organization of two or more persons that within one calendar year expends funds in excess of five hundred dollars (\$500) to conduct an advertising campaign for a political purpose."

The statute further defines "political purpose" as "influencing or attempting to influence an election or pre-primary convention, including a constitutional amendment or other question submitted to the voters" (Subsection M of Section 1-19-26 NMSA 1978).

My questions are as follows:

1. What is your definition of "primarily for a political purpose"? If an organization's political purpose activities comprise less than 50% of its overall activities, would the organization be considered a political committee?

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2. Is the intent of the organization a factor in determining whether it is a political committee? For instance, if the organization does not intend to influence an election, would it or its advertising campaigns be considered having a political purpose?

3. What is the difference between "influencing" and "attempting to influence" an election? For instance, do you have some basis to test the efficacy of an advertising campaign to determine whether it "influenced" an election? And, with regard to "attempting to influence", is the organization's intent a factor?

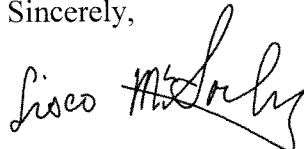
4. At what period of time prior to an election does a communication cease to be considered unregulated issue advocacy and become one whose purpose is "political"?

5. Does an advertising campaign have to mention candidates or an election to rise to a level of having a political purpose?

6. How does your definition relate to definitions of Internal Revenue Service and the Federal Election Commission for "political campaign intervention" and "express advocacy", respectively?

Thank you for your anticipated immediate response.

Sincerely,


CISCO MCSORLEY

CM:kf