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May 22, 2008

The Honorable Gary K. King
Attorney General of New Mexico
111 Lomas Blvd. NW Suite 300
Albuquerque, NM 87102

Re: New Mexico Youth Organized

Dear Attorney General King:

I represent New Mexico Youth Organized (“NMYO”) and the Center for Civic Policy. I am in receipt of a letter dated today from your office to the Secretary of State regarding NMYO. According to the letter, your staff reviewed a website, www.theleague.com, to determine whether my client has engaged in campaign activities and, therefore, must register as a political committee. I also understand from your letter that the Secretary of State has concluded that NMYO is a lobbyist organization subject to certain filing disclosures. You refer to a letter issued by the Secretary of State dated April 25, 2008. Neither my client nor I have received a copy of this letter.

I am writing to clarify what I see as factual misunderstandings and to inform you that NMYO has not engaged in any campaign intervention and is not a political organization. Furthermore, although I do not know the specifics of the complaint regarding NMYO’s phone calls, it is my understanding that those calls were neither lobbying nor campaign activities. Rather the calls were related to a green jobs educational campaign.

The relevant facts are as follows:

1. NMYO is a group operating under the fiscal sponsorship of the Center for Civic Policy, a 501c3 organization.
2. NMYO is run by individuals who were previously associated with the New Mexico Chapter of the League of Young Voters.
3. The League of Young Voters, and its related entities, operated a 501c3 organization, a 501c4 organization, and a political committee.
4. The League of Young Voters, whose website was www.theleague.com, ceased operations at the end of 2007. NMYO was formed in 2008.
5. The activities, I believe, that are at issue relate to NMYO’s criticism of incumbent officials after this year’s legislative session. NMYO expressed its concern that certain elected officials were not working in the interests of New Mexico citizens and instead were taking industry contributions and voting for policies that supported these private interests. NMYO is fully entitled, and obligated by its civic duty, to criticize incumbent officials and advocate for issues that are critical to its mission.

6. At no time has NMYO attempted to intervene in any campaign. NMYO has not supported or opposed any candidate for public office. And, NMYO will not engage in any campaign activities in the future.

In sum, NMYO fails to meet the definition of political committee.¹ I respectfully ask that you review these facts and revise your opinion that NMYO must register as a political committee. If I can be of any assistance or if you have any questions, please do not hesitate to contact me.

Very truly yours,

SARA BERGER

cc. The Honorable Mary Herrera, New Mexico Secretary of State (via facsimile and mail)
Albuquerque Journal (via email)

¹ A political committee must be organized or operated for a political purpose. New Mexico statute 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." NMSA § 1-19-26(M).