

Attorney General of New Mexico

GARY K. KING
Attorney General

ALBERT J. LAMA
Chief Deputy Attorney General

May 22, 2008

The Honorable Mary Herrera
New Mexico Secretary of State
325 Don Gaspar, Ste. 300
Santa Fe, NM 87503

Re: New Mexico Youth Organized Complaint

Dear Secretary Herrera:

The Attorney General's office has received a telephonic complaint from State Senator Shannon Robinson against an organization called New Mexico Youth Organized ("NMYO"). Senator Robinson alleges that NMYO is making campaign expenditures on behalf of candidates in several legislative races, but has failed to file paperwork pursuant to the New Mexico Campaign Practices Act. It is our understanding that your office received a complaint from Mr. Mike Kitts dated April 18, 2008 regarding this same issue. Mr. Kitts alleged that NMYO has spent more than \$500 on campaign activities and made approximately five hundred campaign phone calls.


We understand that your office issued a letter dated April 25, 2008 stating that NMYO was a lobbyist organization subject to filing disclosures under the Lobbyist Regulation Act and not under the Campaign Practices Act. Section 2-11-6 of the Lobbyist Regulation Act requires a lobbyist, or his employer organization, to report political campaign expenditures in a legislative race. Your letter indicates that NMYO has hired a registered lobbyist (Keenan King).

Based on our review of NMYO's activities, it appears that it has characteristics in common with both a political committee and a lobbyist organization. According to Section 1-19-26(L) of the Campaign Practices Act, a political committee is made up of two or more persons organized to influence an election. According to Section 2-11-2(D) of the Lobbyist Regulation Act, a lobbyist is a party who attempts to influence legislative action. The NMYO webpage states that its goal is to train young people to organize voters and support candidates who have a progressive political agenda. See www.theleague.com. NMYO also has the goal of registering people to vote and publishing a voter guide. In addition, NMYO lobbies elected officials throughout the year.

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Since NMYO appears to have characteristics of both a political committee and lobbyist organization, we ask you to refer to April 25, 2008 letter to provide that NMYO should immediately comply with the reporting and other requirements of both the Campaign Practices Act and Lobbyist Regulation Act. We believe this resolution will provide the greatest amount of transparency to the electoral process.

Sincerely,


for GARY K. KING
Attorney General

cc: Sen. Shannon Robinson

¹ In addition to the reporting requirements in Section 1-19-29, the Campaign Practices Act requires a political committee that makes more than five hundred campaign phone calls to identify themselves to the public when making the campaign calls. See NMSA 1978, § Section 1-19-26.3 (2002).