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New Mexico
Department of Finance
and Administration

Policy and Procedures
Administrative Services Division

407 Galisteo St,
Santa Fe, NM 87501
(505) 827-4985

Lobbying and Political Activities Policy

Section 1. Purpose: This Lobbying and Political Activity Policy ("Policy") is designed to provide general guidance to Department of Finance and Administration ("DFA") employees while engaging in lobbying or other political activities during official work hours or while using state resources. This Policy is designed to ensure DFA employee compliance with the Lobbyist Regulation Act, Governmental Conduct Act, as amended, and all other relevant statutes, rules, and regulations governing similar topics. This policy aims to ensure that all DFA employees conduct themselves in a manner that upholds the integrity and impartiality required of public officials and employees in New Mexico.

Section 2. Scope: This Policy applies to all DFA employees, including full-time, part-time, and contract employees. This Policy exempts explicitly from Lobbying Employees designated by DFA's Cabinet Secretary to appear before a legislative committee or in a rulemaking proceeding only to explain the effect of legislation or a rule on DFA and/or any witness called by a legislative committee or administrative agency to appear before that legislative committee or agency in connection with legislation or an Official Act.

Section 3. Effective Date: This Policy shall become effective on the date signed by DFA's Cabinet Secretary and shall remain in effect until replaced.

Section 4. Definitions:

A. "Code of Conduct" means DFA's Code of Conduct and Governor's Code of Conduct, as amended.

B. "Employee" shall have the same meaning as § 10-16-2 (I), NMSA 1978, as amended.

C. "Financial Interest" shall have the same meaning as § 10-16-2 (F), NMSA 1978, as amended.

D. "Government Official" means any elected or appointed official or employee of a federal agency, state agency, or local government agency.

E. "Lobbying" shall have the same meaning as § 2-11-2 (D), NMSA 1978, as amended.

F. "Nonpartisan Election" is any election for public office when the candidate's party affiliations are neither indicated nor required.

G. "Official Act" shall have the same meaning as §§ 10-16-2 (H), and 2-11-2 (G), NMSA 1978, as amended.

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H. "Person" shall have the same meaning as § 2-11-2 (H), NMSA 1978, as amended.

I. "Political Activity" refers to actions or endeavors aimed at influencing an Official Act, government policies, or elections. This includes campaigning for candidates, advocating for legislation, participating in political rallies, distributing political materials, or engaging in other activities related to political parties or causes.

J. "Substantial Interest" shall have the same meaning as § 10-16-2 (L), as amended.

Section 5. Lobbying Activities:

Except as pre-authorized in accordance with this Policy, Employees are prohibited from engaging in Lobbying activities or otherwise seeking to influence an Official Act on behalf of any person while on duty or during work hours. Any employee wishing to engage in such activities must submit a written request to the Secretary detailing the nature and purpose of the proposed Lobbying activity. Employees must ensure that any Lobbying activities do not interfere with their job responsibilities or the operations of DFA. Prohibited Lobbying Activities may include, but are not limited to, the following:

- Without pre-authorization using your official position and/or DFA resources to influence, interfere with, or affect the results of an election or Official Act.
- Without pre-authorization, soliciting votes in support of or in opposition to any political candidate or issues during work hours.
- Without pre-authorization, using your official position and/or DFA resources to endorse or oppose a candidate for public office and/or endorse or oppose an Official Act by a Government Official.
- Without pre-authorization, testifying at a legislative committee in favor or in opposition to an Official Act you have worked on.
- Organizing, selling tickets to, or actively participating in a fund-raising function for a political party, candidate, or issue during work hours or while using your official position and/or DFA resources.
- In your official capacity, addressing political gatherings in support of, or in opposition to, a political candidate or issue.
- Utilizing social media to support or oppose a political candidate or issue while identifying your official position or affiliation with DFA.
- Engaging in any other Lobbying activities prohibited by § 2-11-1 et seq., NMSA 1978, or any federal, state, county, or municipal laws.

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Section 6. Political Activities:

Except as pre-authorized in accordance with this Policy, Employees are prohibited from engaging in Political Activities on behalf of any person while on duty or during work hours. Any employee wishing to engage in such activities must submit a written request to the Secretary detailing the nature and purpose of the proposed Political Activity. Employees must ensure that their political Activities do not interfere with their job responsibilities or the operations of DFA. Prohibited Political Activity may include, but is not limited to, the following:

- Directly or indirectly coercing, attempting to coerce, commanding, or advising a state or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for a political purpose.

- Threatening to deny promotions or pay increases to any employee who does not vote for specific candidates, requiring employees to contribute a percentage of their pay to a political fund, influencing subordinate employees to buy tickets to political fund-raising dinners and similar events, advising employees to take part in political activity, and matters of a similar nature.

- Performing functions of an officer of a political organization.

Section 7. Public/Political Office:

Per § 10-9-21 (B), no Employees shall hold political office except for a non-partisan county or municipal office or be an office of a political organization during their employment. An employee who becomes a candidate for public office shall, upon filing or accepting the nomination and during the campaign, take a leave of absence.

- Employees' candidacy for nonpartisan political office shall be subject to the restriction set forth in 1.7.6.11 NMAC.

Section 8. Use of State Resources for Lobbying or Political Activities:

Employees are strictly prohibited from using state resources, including but not limited to state email addresses, telephones, computers, and office supplies, to advance private interests or for any unauthorized Lobbying or Political Activities. State resources are to be used solely for official DFA business.

Section 9. Pre-Approval:

Where Employees seek to perform Lobbying or Political Activities during work hours or using state resources, the Employee must notify the DFA Cabinet Secretary in writing at least seven (7) days prior to the desired date for engaging in such activity(s). Employees must disclose any actual or potential conflicts of interest that may arise from their Lobbying or Political Activities. Such disclosures must be made in writing to the employee's immediate supervisor and DFA Cabinet Secretary. In their sole and absolute discretion, DFA's Cabinet Secretary may, in accordance with applicable law, approve or disapprove requested Lobbying or Political Activities. Failure to obtain written pre-approval from the DFA Cabinet

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Secretary or other violations of this Policy may result in disciplinary action, up to and including dismissal.

Section 10. Approval:

DocuSigned by:
Wayne Propst
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Wayne Propst, *Cabinet Secretary*
Department of Finance and Administration

5/2/2025
Date