



STATE OF NEW MEXICO
SECRETARY OF STATE

November 3, 2015

Re: Revision to the Judicial Code of Conduct Affecting Voter Action Act Applicant Candidates

Dear Applicant Candidate,

As you may be aware, in October 2015 the New Mexico Supreme Court approved amendments to Canon 4 of the New Mexico Judicial Code of Conduct. The amendments to Rules 21-402 and 21-404 NMRA effect judicial applicant candidates for public financing under the Voter Action Act. Effective November 1, 2015, judicial candidates are prohibited from soliciting or personally accepting contributions for their own campaigns. The committee commentary contained within the rules specifically identify seed money and qualifying contributions under the Voter Action Act as being campaign contributions.

I realize that in past election cycles many judicial candidates did solicit and accept both seed money and qualifying contributions while seeking public financing. In fact, the Qualifying Contribution Receipt required the candidate's signature in an acknowledgement. In order to reduce any confusion or conflict between the Voter Action Act and the amended rules, the Ethics Bureau has revised several Voter Action Act forms to assist applicant candidates with complying with both the statute and the rules. All updated forms are available on our website, along with a revised guide detailing the changes. In order to keep consistency with all applicant candidates, non-judicial candidates will also utilize the updated forms.

Instead of the candidate signing the Qualifying Contribution Receipt, the individual soliciting the contribution will sign it instead. Because campaign committees may not disclose to judicial candidates the identity or source of any funds raised for the campaign, now including seed money and qualifying contributions, applicant candidates will sign an acknowledgement, which will act as a cover sheet to the contributor list, stating that the qualifying contributions collected on behalf of the applicant candidate were to the best of the candidate's knowledge, made during the designated qualifying period, and obtained through efforts made with the candidate's knowledge and approval.

Finally, because the amended rules were effective after the qualifying period began, our office will accept contributions collected utilizing the previous forms prior to the availability of the new forms upon this notice.

Should you have questions or concerns, please do not hesitate in contacting me. The Ethics Bureau staff is also available to assist with any aspects on the Voter Action Act.

Best Regards,

A handwritten signature in cursive script, appearing to read "Mary Quintana".

Mary Quintana
Acting Secretary of State