

NOTICE OF RULE MAKING AND PUBLIC RULE HEARING

Notice of Rulemaking: The State Ethics Commission [the commission] will hold a public hearing on the proposed adoption and amendment of certain rules, as detailed below. These amendments are proposed pursuant to Paragraph 2 of Subsection A of Section 10-16G-5, NMSA 1978. No technical scientific information was consulted in drafting these proposed amendments.

Copies of all the proposed amendments may be found at the Commission's website, <https://www.sec.nm.gov>, or by appointment at the commission's main office in Albuquerque: the State Ethics Commission, University of New Mexico Science and Technology Park, 800 Bradbury Drive SE, Suite 215, Albuquerque, NM, 87106.

Notice of Public Rule Hearing: The commission will conduct a virtual public rule hearing on Friday, August 1, 2025, beginning at 9:00 a.m. For instructions on how to attend this meeting, visit the Commission's website at: <https://www.sec.nm.gov/meetings/>. The public hearing will be conducted in a fair and equitable manner by the commission and shall be recorded. Any interested member of the public may attend the hearing and will be provided a reasonable opportunity to offer public comment, including presentation of data, views, or arguments, on the proposed rules during the hearing. Individuals with disabilities who need any form of auxiliary aid to attend or participate in the public hearing are asked to contact ethics.commission@sec.nm.gov. The commission will make every effort to accommodate all reasonable requests, but cannot guarantee accommodation of a request that is not received at least five calendar days before the scheduled hearing.

Notice of Acceptance of Written Public Comment: Written public comments, including presentation of data, views, or arguments about the proposed amendments, from any interested member of the public will be accepted until 5:00 p.m. on Friday, July 25, 2025, by submitting them via email to ethics.commission@sec.nm.gov with the subject line "SEC Rulemaking R25-01," or via first class mail or by hand delivery by appointment to the commission's Albuquerque office: New Mexico Ethics Commission, University of New Mexico Science and Technology Park, 800 Bradbury Drive SE, Suite 215, Albuquerque, NM, 87106.

Description of Proposed Amendments: In compliance with Section 14-4-5.2 NMSA 1978, this notice includes the following summary of the proposed amendments, a short explanation of the purposes of the amendments, and specific legal authority authorizing the amendments. The method and manner of public comment and notice of public hearing on the proposed rules are listed above.

The proposed amendments are as follows:

Amendments to 1.8.1 NMAC, Sections 9-12, new Section 21: These amendments are proposed pursuant to Paragraph (2) of Subsection A of Section 10-16G-5, State Ethics Commission Act, NMSA 1978. The purpose of the proposed amendments is to incorporate the requirement that the commission seek voluntary compliance in certain matters into the investigation and resolution of civil actions to enforce the state's ethics laws, and to move the commission's general provisions concerning confidentiality of records from 1.8.3 NMAC, the rule governing Administrative Hearings, to 1.8.1 NMAC, which addresses General Provisions.

Amendments to 1.8.3 NMAC, Sections 9-11, 13-15, removing Section 16: These amendments are proposed pursuant to Paragraph (2) of Subsection A of Section 10-16G-5 of the State Ethics Commission Act, NMSA 1978. These amendments provide clarity for the process of submitting an administrative complaint, the general counsel's role in investigating a complaint and the hearing officer's role in determining probable cause, and deletes the rule on records and confidentiality so that it is more appropriately located in 1.8.1 NMAC.

Amendments to 1.8.5 NMAC, Sections 8 and 10: This amendment is proposed pursuant to Paragraph (2) of Subsection A of Section 10-16G-5 of the State Ethics Commission Act, NMSA 1978. The purpose of the amendment is to include a jurisdictional review component for complaints alleging violations of the Revised Uniform Law on Notarial Acts ("RULONA") prior to conducting an investigation.