



NEW MEXICO STATE ETHICS COMMISSION

Hon. Celia Foy Castillo, Chair
Jeffrey L. Baker, Member
Stuart M. Bluestone, Member
Hon. Gary Clingman, Member
Hon. Dr. Terry McMillan, Member
Dr. Judy Villanueva, Member

RESOLUTION NO. 2026-12: Disavowing enforcement of the disclaimer provisions of NMSA 1978, Section 1-19-26.4 for advertisements that are not campaign expenditures, coordinated expenditures, or independent expenditures.

WHEREAS, THE NEW MEXICO STATE ETHICS COMMISSION
("Commission") met virtually on August 21, 2026 at 9:00 a.m.;

WHEREAS, the Commission has the power to investigate violations and institute civil actions to enforce the Campaign Reporting Act;

WHEREAS, NMSA 1978, Section 1-19-26.4 (2024), requires disclaimers for advertisements for which a person makes a campaign expenditure, a coordinated expenditure, or an independent expenditure in an amount that exceeds one thousand dollars (\$1,000), or in an amount that, when added to the aggregate amount of the campaign expenditures, coordinated expenditures and independent expenditures for advertisements made by the same person during the election cycle, exceeds one thousand dollars (\$1,000);

WHEREAS, the "disclaimer provisions" of Section 1-19-26.4 require: (i) disclaimers informing the public "who authorized and paid for the advertisement," § 1-19-26.4(A); and (ii) for those advertisements that contain materially deceptive media, disclaimers informing the public that an advertisement "has been manipulated or generated by artificial intelligence," § 1-19-26.4(D);

WHEREAS, on July 3, 2025, Attorney General Raúl Torrez provided Governor Michelle Lujan Grisham Opinion No. 2025-09, which considered the

constitutionality of House Bill 182 (2024), and opined that the application of the disclaimer provisions of NMSA 1978, Section 1-19-26.4 (2024) to satire and parody is unconstitutional under the First Amendment to the United States Constitution;

WHEREAS, the Commission has reviewed and considered Attorney General Opinion No. 2025-09;

WHEREAS, on July 1, 2023, the Commission promulgated a rule, available at 1.8.1.10(C) NMAC, that requires the director, before initiating an assessment, to “determine whether the proposed assessment is based on factors other than activities protected by the First Amendment [to] the United States Constitution”;

AND WHEREAS, the Commission will not and has no interest in interpreting or enforcing the Campaign Reporting Act in a way that violates the First Amendment to the United States Constitution;

NOW, THEREFORE, BE IT RESOLVED by the New Mexico State Ethics Commission:

1. The Commission disavows enforcing the disclaimer provisions of Section 1-19-26.4, including Subsections A through F, for any advertisement, as that term is defined under the Campaign Reporting Act, that is *not* an advertisement for which a person makes a campaign expenditure, a coordinated expenditure or an independent expenditure; and
2. The Commission, however, may enforce the disclaimer provisions of Section 1-19-26.4, including Subsections A through F, for any advertisement, as that term is defined under the Campaign Reporting Act, that is an advertisement for which a person makes a campaign expenditure, a coordinated expenditure, or an independent expenditure, and therefore is an advertisement that not only refers to a ballot question or a candidate, but also is made for the purpose of supporting or opposing a ballot question or the nomination or election of a candidate.

Adopted by the New Mexico State Ethics Commission this 21st day of August,
2026.

A handwritten signature in black ink, reading "Celis Foy Castillo". The signature is written in a cursive style with a large, stylized "F" and "C".

The Hon. Celis Foy Castillo
New Mexico State Ethics Commission
Chair