

Somos Un Pueblo Unido

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Hon. Gary King, Esq.
Attorney General of New Mexico
P.O. Drawer 1508
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Violation by Martínez Campaign of §1-19-29.1 NMSA

Dear Mr. Attorney General:

We are writing to call your attention to an apparent clear violation of the Campaign Reporting Act by Governor Martínez and her campaign staff.

A report by Sean Olson in this morning's Albuquerque Journal states that "Gov. Susana Martinez's campaign committee, which had just under \$500,000 left over from the 2010 election when it last disclosed in December, paid for radio ads urging people to call their elected officials over the driver's license issue." The radio ads themselves confirm that they were indeed paid for by Gov. Martínez's gubernatorial campaign.

This disposition of unused campaign funds constitutes a clear violation of Section 1-19-29.1 NMSA 1978, the "spend-down" provision of the New Mexico Campaign Reporting Act (CRA). That section, a copy of which is attached, narrowly restricts the ways in which left-over campaign funds can be disposed of following the conclusion of a campaign. It allows such funds to be used only for the payment of campaign debts, donations to charities or the state's general fund, contributions to other candidates or political parties and refunds to the contributors. The section expressly states that "it is unlawful for a candidate or the candidate's agent" to dispose of the unused campaign funds in any other way. The use of the governor's left-over campaign funds to pay for radio ads concerning a legislative issue is therefore a clear violation of this section.

Sections 1-19-34.6 and 1-19-36 of the CRA authorize the attorney general to enforce the provisions of the Act by either a criminal misdemeanor prosecution or a civil action for an injunction or civil penalties. We accordingly respectfully request that you take prompt action to redress this violation of the Act by a civil or criminal complaint against all responsible parties, including the governor if you determine that she directed the violation.

Thank you for your attention.

Yours truly,

Marcela Díaz