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New Mexico Ethics Watch Releases Report on Board and Commission Non-Compliance with Financial Disclosure Act

New Mexico Ethics Watch, a nonprofit dedicated to promoting more ethics in governance and public life, today releases its second report, *Not Yet Walking: Compliance with The Financial Disclosure Act by Members of State Boards and Commissions*. The report discusses New Mexico's *Financial Disclosure Act* and the filing of personal financial information by appointed members of boards and commissions who are subject to Senate confirmation. The law, which requires such Governor-appointees to file annual statements disclosing income and employment, is in place so that the public can see whether elected or appointed officials are operating to benefit themselves rather than their constituents. New Mexico law also stipulates that filing, initially and annually, is a condition of holding an appointed position.

NMEW has found, that out of 55 boards and commissions whose members were required to file financial disclosures under the Financial Disclosure Act in January of 2017, only three were fully compliant. Nine boards were found to have been partially compliant—that is all members filed the forms eventually, although many came in after the January deadline. 39 boards and commissions were discovered to be non-compliant, in that those boards were missing some, or all, of their required financial disclosures. Additionally, five boards and commissions seem to now be non-operational or defunct, despite being currently in statute. In total, in 2017, approximately 114 individuals appear to have been operating in power positions without legal authority. Many may still be.

In the interest of transparency and accountability, NMEW calls on the Office of the Governor to: maintain an up-to-date list of all board and commission members required to file financial disclosure statements; track appointees' compliance with the Act (communicating with the Secretary of State regarding non-compliance); and inform them that the law requires filing as a condition of holding an appointed position. NMEW requests that the Secretary of State pursue enforcement of the Act against late filers and those who neglect to follow the Act's rudimentary requirements. NMEW Executive Director Kathleen Sabo said, "No government entity currently maintains a list of members of boards and commissions required to file statements nor tracks compliance with the Act. This creates a lack of transparency and potential legal issues in governance. If an under-staffed Secretary of State's Office is unable to monitor compliance or enforce the Financial Disclosure Act, the office needs additional funding for sufficient personnel."

A follow up report will be conducted later in 2018 to see what progress has been made by both the Secretary of State and the Office of the Governor.

New Mexico Ethics Watch is a non-partisan organization founded in 2016 dedicated to promoting ethics and accountability in government and public life. NMEW advances its mission through research, litigation, policy advocacy, and media outreach.

The full report can be accessed at the following web address:

<http://nmethicswatch.org/wp-content/uploads/2018/02/Not-Yet-Walking-NMEW-FDA-Report-2.pdf>

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