

NOTICE OF PUBLIC HEARING

Public Hearing. The New Mexico Public Defender Commission (“Commission”) gives notice that the Commission will conduct a public hearing to obtain public input on the possible adoption of an amended rule concerning Public Defender Department Employees Running in Partisan Elections.

The hearing is scheduled to occur on May 1, 2020, as follows:

Law Offices of the Public Defender

505 Marquette Ave. NW

17th Floor Conference Room

Albuquerque, New Mexico 87102

The hearing may be recessed and reconvened at a later date as needed.

Constitutional and Statutory Authority: Article VI, Sec. 39 of the Constitution of New Mexico establishing an independent Public Defender Commission; Section 31-15-2.4(B)(6) NMSA 1978; Section 31-15-7 NMSA 1978; 10.12.13 NMAC.

Purpose: Public Defender Department employees are currently prohibited from being candidates for partisan political office. The Public Defender Commission (“Commission”) will receive public testimony regarding the participation of Department employees in seeking partisan political office.

Summary of Full Text: The proposed rule amendment to 10.12.6.10 NMAC - PROHIBITED POLITICAL ACTIVITIES would prohibit Department employees from “allowing political or personal considerations to conflict with the interests of a Department client’s case. This amendment would also prohibit Department employees from “using any state, department or client equipment, facilities, property or time resources for political purposes.”

The proposed rule amendment to 10.12.6.11 NMAC - PUBLIC/POLITICAL OFFICE requires employees to use annual leave or leave without pay, subject to approval pursuant to Department policy, if campaigning requires the employee to be absent from assigned duties. In addition, this amendment would require the resignation of the employee if elected. An employee would also be required to provide 30 days’ notice prior to commencing the campaign so the Department can monitor compliance with the Hatch Act and any other law.

The proposed amendment to 10.12.6.3 NMAC – STATUTORY AUTHORITY, statute citations were rewritten to conform to correct legislative styles. And an amendment to 10.12.6.15 NMAC - DUTY TO COOPERATE WITH INVESTIGATIONS, ‘or’ was removed from ‘and/or’ to conform to correct legislative styles.

Public Comment. Interested parties may provide comment at the public hearing or may submit written comments by mail or electronically via email to judy.gonzales@lopdm.us (505)395-2887 or mailed to Judy Gonzales, Law Offices of the Public Defender, 301 N. Guadalupe, Suite 101, Santa Fe, N.M. 87501. A copy of the proposed rule may also be requested by contacting Judy Gonzales at the Department at (505) 395-2887. The proposed rule may also be obtained on the LOPD website. The public comment period is from March 11, 2020 to April 15, 2020, at 5:00p.m. (MDT).

The PDC will review all feedback received during the public comment period.

If you are a person with a disability and you require this information in an alternate format or require a special accommodation to participate in the public hearing, please contact Judy Gonzales in Santa Fe at (505) 395-2887. The Department requests at least ten (10) days advance notice to provide requested alternative formats and special accommodations.

Copies of all comments will be made available by the Department upon request by providing copies directly to a requestor or by making them available on the Department’s website or at the Law Offices of the Public Defender.