

# Candidate Responses

## Candidates

General eligibility requirements for all state, district, and county candidates: A candidate must be a registered voter in New Mexico affiliated with the political party for which he/she is seeking office. A candidate for district office must reside in that district.

## United States Senator

Two United States senators are elected to six-year staggered terms by the entire state. Candidates must be at least 30 years old, a citizen of the United States at least nine years, and a resident of the state from which elected. The United States Senate has 100 members. One New Mexico Senate seat is up for election this year.

### Questions for the Candidates for United States Senator

(4 questions - 100 words each)

1. What are the three top economic concerns facing the country? What actions would you take as a U.S. senator to address these concerns?
2. What is your position on the war in Iraq, and what actions should the United States take?
3. As both major party presidential candidates have supported legislation to deal with global climate change, this issue is expected to come up in the next Congress. What legislation, if any, would you support to tackle this issue?
4. Should Congress take steps to ensure that all people living in the United States have access to affordable, quality health care? Please explain.

## Steve Pearce

United States Senator (R)



1. 1) Congress must create a successful business environment that provides growth opportunities for New Mexican businesses. I support a low tax structure. Tax cuts create jobs. Raising taxes puts a downward pressure on the economy that results in lost jobs. 2) We must lower energy costs. I introduced the Clean Energy, Lower Prices Act to allow drilling on the Outer Continental Shelf and Alaska. It takes royalties from oil drilling leases and accelerates investments in renewable energy. Nuclear energy must be expanded. 3) Providing a world class education provides higher living standards as US companies increase competitiveness in the global-market.

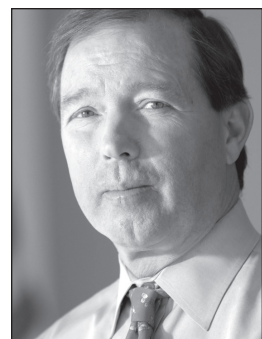
2. Iraq is one of the many fronts in the war on terror. Congress must listen to the military commanders on the ground to ensure Iraq does not become a terrorist train-

ing ground. Iraqi forces are now securing 10 of 18 provinces with more to be controlled by the end of 2008. As Iraq stabilizes, more American troops can be rotated home. The cost of failure in the war on terror will be the fall of over 50 moderate Arab regimes. If the terrorists gain control they have promised to pull oil off the world market, causing economic and social upheaval.

3. The real question is, will the U.S. take unilateral action to reduce carbon emissions. China and other countries are not considering action so the global effect of our efforts will have minimal impact. Are we willing to bring down our living standards and lose jobs to support actions that may have no effect on climate change? In Europe, the cost of cap and trade is punitive to consumers and businesses. My bill the Clean Energy, Lower Prices Act will lower gas prices in the short-term and make us more energy independent in the long-term through investments in renewables and nuclear.

4. Fundamental changes to America's healthcare system must be made to control rising costs. I oppose an attempt to socialize health care. I support investment in disease research, tele-medicine, ending frivolous lawsuits, access to home care, replacing emergency care with preventative medicine, promoting healthy lifestyles, and teaching people how to manage their diseases to lower healthcare costs.

## Tom Udall United States Senator (D)



1. Our top economic concerns are: making the economy work again for hard-working Americans; helping the middle class being hurt by rising food, gas, health care and education costs; and getting the nation's finances back in order. I will support legislation to provide a tax credit to companies that maintain or increase the number of workers in America and will end the tax breaks for companies that outsource American jobs. I will also work to expand college scholarships, reduce energy costs by cracking down on oil speculators and expanding alternative energy, and reduce the deficit by cutting wasteful spending.

2. After 9/11, I supported sending troops into Afghanistan to stop Osama bin Laden and Al Qaeda. I opposed the Iraq war because it took us away from our mission. We need to start bringing our troops home from Iraq safely, and refocus on the resurgent threat in Afghanistan. We need to stop spending billions every month in Iraq that could be used at home. And we need to treat our troops with the respect they have earned. That's why I have worked for better health care for our veterans and fought for the new G.I. Bill.

3. We face the twin challenges of global warming and rising energy costs. I introduced legislation in Congress to reduce global warming pollution, while re-charging

our economy with new alternative energy jobs. My energy plan addresses immediate concerns by cracking down on speculation and exploring responsible drilling, but also addresses future energy needs by investing in alternative energy. We need increased conservation, and investment in a New Energy Economy, providing long term tax incentives for wind and solar power so America can become a world leader in these and similar industries. There is no single answer - we must do it all.

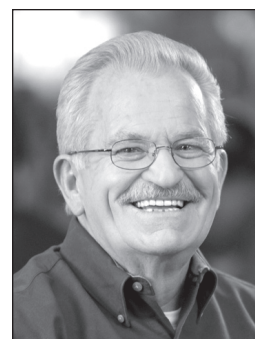
4. I support affordable, accessible health care for every American. There are three things I want to do right now to get the job done. One, allow every small business access to the same health care plan available to members of Congress and federal employees. That means everyone will be paying the lowest rate like the largest businesses. Second, allow individuals aged 55-64 to buy into Medicare. Some in this age group are retired and their previous employers don't continue health insurance for them. And three, make sure every child has health insurance by expanding the children's health insurance program.

### Questions for the Candidates for the U. S. House of Representatives

(4 questions - 75 words each)

1. Federal policy seems inadequate to handle the number of undocumented individuals entering and currently residing in the United States. What reforms in immigration policy do you propose to address this issue?
2. Health care is a national crisis. What should the federal government do to ensure that every American has affordable health care?
3. What are the three most important actions that should be taken by the federal government to improve the nation's economy?
4. What three proposals would you recommend to address the nation's energy crisis?
5. What role should the United States play in the future of Iraq, Afghanistan and other countries in that region?

## Harry Teague U. S. House of Representatives District 2 (D)



1. We need to make it easier to get into our country legally and harder to get in illegally. First, we must secure the border with more border agents and technology. But we also need an earned path to citizenship for those who play by the rules, pay back taxes, and learn English.

2. At age 17, I went to work for \$1.50 an

hour to provide for my family when my father became ill and did not have health insurance. No American should have to face the situation I did and that's why I will fight in Congress for a system that allows every American to have affordable health coverage.

3. To address what I believe are the three most pressing issues in today's economy, we must: invest in alternative energy and expand domestic oil production, where environmentally sound, to lower gas prices and become energy independent; increase rural jobs tax credits to create more jobs in Southern New Mexico; and ensure that the minimum wage keeps up with inflation.

4. To solve the energy crisis, we need a Congressman who understands the energy industry. I have worked in that industry my entire life - from the oil fields to bringing renewable energy projects to Southern New Mexico. To reduce our dependence on foreign oil and bring down gas prices, we must: drill where environmentally sound, invest in alternative energy, and conserve.

5. Our brave men and women have done all that they can in Iraq. Now it is time to bring them home with honor and let the Iraqis run their own country, and spend some of the \$3 billion we spend in Iraq each week here at home. We must also refocus our efforts on hunting down the terrorists in Afghanistan.

## Edward R. Tinsley U. S. House of Representatives District 2 (R)



1. Any change to our immigration policy must start with sealing the borders. Once the border has been secured, we must then develop a temporary guest worker program that does not lead to amnesty for the 12 million illegal immigrants already here.

2. When addressing the health care crisis we must preserve the patient-doctor relationship. We can not have a socialized health care system in this country that puts that relationship at risk. Congress needs to enact legislation to allow small businesses to purchase health insurance across state lines, lowering costs and expanding coverage.

3. The best way to help southern New Mexico's economy is a sensible energy policy, one that allows for the exploration of American oil. While I support the government stepping in to help shaky credit markets, long-term reform is needed on day one of the new Congress - starting with Freddie Mac and Fannie Mae.

4. Find more oil, use less and investing in the future in alternative sources of power will lead the way out of this energy mess. I support an "all of the above" bill that will accomplish this. However, the recently passed House bill is dead on arrival in the Senate and shows par-



# Candidate Responses

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tisan politics gets in the way of real reform.

5. We are safer here at home with a stable Middle East – not one enveloped in chaos as Al Qaeda would wish. No one wants our troops home sooner than I, but our military leader in charge of this region– David Petraeus - should determine the timing, not 535 members of Congress.

## Questions for the Candidates for New Mexico State Senator

(4 questions – 75 words each)

1. What do you consider the three most important issues facing the people of your district? How would you address those issues?
2. What role should the state play regarding management of growth and land use for Doña Ana County and southern New Mexico relative to economic, environmental and public transportation issues?
3. How would you address the competing needs of agriculture, population growth and economic development as it pertains to a sustainable water supply?
4. A recommendation has been made to increase funding for education. Where would the funding come from for increased spending for education? How would you balance this against other budgetary needs in this state?

### Cynthia Nava New Mexico State Senator District 31 (D)



No response received.

### Mary Jane M. Garcia New Mexico State Senator District 36 (D)



No response received.

### Lee S. Cotter New Mexico State Senator District 36 (R)



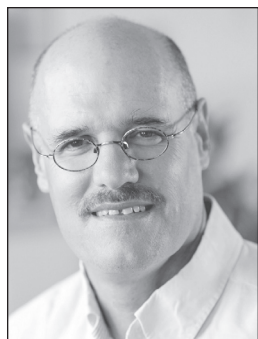
1. Design smarter laws to encourage citizens to do self-help things. Why are 50% of NM babies born to unwed mothers? Answer: We pay women to have babies without husbands. 2. Create more and higher paying jobs to improve our incomes, currently near the nation's lowest. 3. Government should do what business cannot; build more roads and privatize the Motor Vehicle Department.

2. The best decisions are made by those elected officials closest to the people. The state should have only a limited role in regulating land use or growth. The state could lead in creating a climate of economic prosperity, but each community must lead on environmental and public transportation that best suits their own community.

3. Agriculture in the Hatch and Mesilla valleys creates the ambiance that we all enjoy. Agricultural products comprise Doña Ana County's largest export. Without this industry, we will lose important employment opportunities and our positive way of life. In short, the urban and rural communities are interconnected. Laws enacted by New Mexico must be responsive to both groups. We are not short of sustainable water; we are simply short of cheap water.

4. Education is the most important gift we give our children. Education continues consuming almost 60% of the budget. Spending has been raised by over \$1 billion over the last 5 years. NM is educating about the same number of students it did 10 years ago. I would promote effective teaching and mandatory student promotion standards, before any more funding is spent. Highways have more pressing problems: I-10 expansion has lost its priority.

### Stephen H. Fischmann New Mexico State Senator District 37 (D)



1. Three most important issues to my district. a. Health Care. Too many folks are without affordable health care due to gaps in our insurance system. Substantial insurance reform is required. b. Education. A "one size fits all" school system shortchanges both college bound kids, and non-college bound kids. Options that serve kids needs are required. c. Regional planning. More robust economic and land use planning are

required as we grow, both for the economy and . . .

2. Role of the State in growth and land use planning issues. The State can: a. Provide technical support for local governments that have limited expertise in transportation, land use and economic development issues. b. Enact laws that require local governments to go through a public participation process before altering or ignoring regional comprehensive or land use plans that were devised through a public input process. c. More transparently participate in regional infrastructure plans such as . . .

3. Addressing the competing needs of agriculture, housing & industry for water. This should be handled through regional planning processes. The state engineer's office should provide expertise to local governments in managing water resources, and devising conservation plans. Pecan farmers recently received an allotment 5.5 acre feet annually which seems high. The impact of private wells on water rights and availability must be addressed promptly. We should also consider how much water should be left in . . .

4. Increased funding for education. Better oversight of the SLO will help, and scaling back ineffective federal and state mandates will also free up resources and allow our teachers to perform. Cutting back on unnecessary TIDD subsidies will also help. We need to better nurture academic progress for college bound kids and provide appropriate job skills to the many kids who do not go to college. We can by allowing children to choose tailored education paths . . .

### Leonard Lee Rawson New Mexico State Senator District 37 (R)



1. Infrastructure, Jobs, Health Care. Water, waste water, flood control and roads must be the priority for Capital Outlay funding. Quality jobs, providing high wages and good benefits require a trained and educated workforce. Community colleges and public schools must be funded adequately and held accountable. Our Economic Development Department needs full funding with appropriate incentives. Health insurance should be required for all public employees. Primary Care facilities must be equipped to meet the growing needs.

2. The State Land Office should work with the City, County and BLM, not the Legislature, in managing growth and land use. The Legislature should consider a constitutional amendment providing for appropriate oversight of transactions by all state-wide elected officials above certain threshold amounts. The State Engineer and Environment Department should be sufficiently funded to promote responsible planned development. The Legislature should en-

courage development of public transportation systems, while monitoring agencies from becoming over-zealous.

3. NM's statutes and case laws establish a priority system. This system must be honored in addressing these competing needs. Agriculture's historical seniority is essential if we want our food grown in the USA. The Legislature should consider the regulation of deep aquifers, aggressive watershed management, and recurring funding for regional water plans. Incentives should be expanded to encourage agriculture's conservation with consideration for "beneficial use". Business recruitment should focus on industries with low water consumption.

4. Our residents cannot afford a tax increase, especially in today's economy with high energy costs. Additional recurring investments in education over the rate of inflation will come at the expense of other state programs. More money is not necessarily the answer and won't produce improvements without needed reforms. Currently, public schools receive 46% of our state's budget and tolerate a 40% + dropout rate. The Legislature's priority should be maintained, expectations increased, and discipline restored.

### Mary Kay Papen New Mexico State Senator District 38 (D)



No response received.

### Dianna J. Duran New Mexico State Senator District 40 (R)



No response received.



# Candidate Responses

## Questions for the Candidates for New Mexico State Representative

(4 questions – 75 words each)

1. What do you consider the three most important issues facing the people in your district? How would you address those issues?
2. How would you address the competing needs of agriculture, population growth and economic development as it pertains to a sustainable water supply?
3. What plans will you propose to achieve health care reform in New Mexico?
4. Las Cruces – the hub of Doña Ana County – is the second largest city in New Mexico, but has no public high-speed transportation system connecting it to central and northern communities in this state. Should the Rail Runner high-speed train line be extended to serve residents in your district? Please explain.

### Joni Marie Gutierrez New Mexico State Representative District 33 (D)



No response received.

### Mary Helen Garcia New Mexico State Representative District 34 (D)



1. There are many important issues facing the people of my district, but the number one issue is jobs. In order to continue cross-border trade, manufacturing expansion and the completion of the Union

Pacific Rail, we must continue to examine tax incentives for companies that will provide employment. We must also continue to provide capital outlay fund for the necessary completion of infrastructure such as street lights, roads, flood control, and other safety issues.

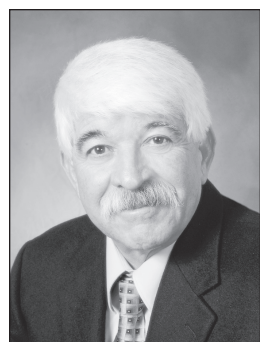
2. A sustainable water supply is not only critical to my District, but a huge challenge overall. The economy depends on a reasonable and fair allocation of water, thus there are many things that should be considered: 1) Continue the implementation of the State

water plan. 2) Complete the water rights adjudication. 3) Appropriate money for water efficiency infrastructure. 4) Mandate consolidation of water systems. 5) Comply with the safe drinking water act.

3. Health care reform is an important issue for the people of New Mexico. As we Legislators begin to address all aspects of the health care issues, I would like to include the development of legislation that would create additional health care career paths for high school students. This career path would expand health professional education and training programs at State high schools, Universities and Colleges to produce an in-state health workforce.

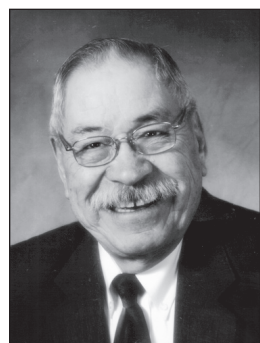
4. It is a great idea to consider making Doña Ana County part of the high speed transportation system that connects central and northern New Mexico. However, the Rail Runner has been a costly endeavor in New Mexico, a cost assessment would be critical before such a consideration is made. In the meantime one thing Doña Ana County needs to seriously consider is public transportation between the southern communities of Doña Ana County, and Las Cruces.

### Antonio Lujan New Mexico State Representative District 35 (D)



No response received.

### Andrew "Andy" Nuñez New Mexico State Representative District 36 (D)



1. Economic Development – Bring more business to Doña Ana County to provide employment and revenue to the city and county. Education – We need to address the dropout rate of kids in school by providing opportunities for the student to stay in school such as the new Bridge Program. Water Issues – We need to complete adjudication and promote conservation measures.

2. First, the adjudication must be completed. Second, any development of Housing must be required to bring in their water rights. This also goes for large business that requires large amounts of water. We need to recycle water supplies that can be used for

agriculture and recreational areas.

3. At the present timer, I will consider the Health Security Act proposed rather than the Governors Health Plan. I feel the Federal Government should be assisting the state in providing affordable health care.

4. The big problem with Las Cruces is the distance for example, from Albuquerque which will bring the costs so high that it will be prohibitive. The Rail runner from Belen to Santa Fe which is not so far and many more possible customers is projected to lose money.

### Mike A. Tellez New Mexico State Representative District 36 (R)

No response received.

### Jeff Steinborn New Mexico State Representative District 37 (D)



1. 1 - Economic Development – As a Co-Founder of the High Tech Consortium, I have fought for better jobs for our community. I will support initiatives that help create jobs and help our small businesses. 2. -

Healthcare – We must reform the insurance industry and make healthcare affordable and accessible for ALL New Mexicans. 3. - Energy – It's time New Mexico capitalizes on its abundant sun and wind resources to create high wage jobs and clean energy.

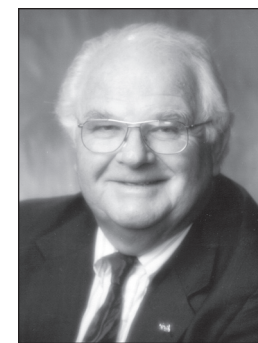
2. As the majority consumer of our water, our agricultural base needs assistance moving to water saving technology, such as drip irrigation that can cut water use by as much as 50%. This will be a win-win solution for everyone, as it will help agricultural producers operate under drought conditions, and better utilize our water for a growing population. As State Representative, I passed legislation calling for more agricultural water conservation research.

3. I support reforming the health insurance industry, specifically: a. Limit the rate of cost increase of a health policy from year to year; b. Reduce the denial of coverage for pre-existing conditions; c. Mandate 85% of the cost of coverage go directly towards health delivery, not overhead. I will continue to seek opportunities that lower prescription drug costs utilizing existing state programs for citizens and the business community.

4. 1. Yes, I support the Rail Runner extending to Doña Ana County, and believe that this would be a great goal for our area and state. This will also provide added economic development from tourism. 2. I support improving local access to our bus

system as a means of helping Las Cruces and outlying areas in the County lower their energy costs while effectively meeting their transportation needs.

### D. Kent Evans New Mexico State Representative District 37 (R)



1. Fiscal health of New Mexico - I propose the State of New Mexico be accountable to the taxpayers and refrain from increasing taxes. Public safety and attention to victim's rights rather than coddling criminals - I

support certain legislation that favors law enforcement and firefighters. Protection of water resources and agricultural heritage –keeping government out of our farmers' back pockets encourages them to stay in agriculture instead of selling their land to create subdivisions.

2. As a state we need to create an atmosphere where agricultural producers are not regulated out of business. That includes protecting senior and junior agricultural water rights. We also need positive economic development that takes into account our water supply, both surface and groundwater.

3. If by "reform" you mean "socializing" our private health care system I would be opposed to that. The systems we have in place currently – including state funded Medicaid for children and others – might need some tweaking but a giant, socialized healthcare system run by state bureaucrats will create more problems than it will solve.

4. It would be nice to have such a service if track usage could be worked out with the current owners of the rails. However we need adequate funding–without tax increases–to provide such service. The Rail Runner system is currently sapping our transportation budget with no end in sight. Currently the Rail Runner is a "fund drainer" and we should only consider such an expansion of this system if we can afford it.

### Joseph Cervantes New Mexico State Representative District 52 (D)



1. Education & Schools – increase time devoted to instruction; reduce bureaucratic and non-instructive testing demands; emphasize teacher development; recommit to school facilities



# Candidate Responses

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and reduce class size; expand school year. Economic development & jobs creation -- support established New Mexico businesses with the same resources and commitment now invested to attract start up and speculative investors; lead energy alternatives research, and realistic technologies. Ethics and Reform -- increase oversight and accountability; open closed proceedings; promote public awareness and participation.

2. New Mexico must first and foremost complete the adjudication of water rights. Only by establishing those rights and priorities will we encourage conservation practices in agriculture. Las Cruces does not compare well with El Paso or Albuquerque in water consumption per household. We must improve conservation practices to preserve our local agriculture economy, and yet still accommodate the inevitable population growth and also attract economic development.

3. Health insurance must be affordable to employees and employers alike, or New Mexico will continue to impose a hidden tax for the uninsured on those of us who purchase insurance for our families and employees. Healthcare costs can be reduced by increasing the numbers of healthcare providers, enlarging the pool of insured participants, increased oversight of drug pricing, and greater emphasis on preventative healthcare.

4. Those of us who commute to Santa Fe would welcome the opportunity of public transportation. Unfortunately there is no free ride. The current project between Belen and Santa Fe has proven to be significantly more expensive than projected just five years ago. The final operating costs are also unknown. A southern rail would come at the expense of other critical transportation projects, and at the expense of greater priorities competing for limited state financial resources.

**Nathan P. Cote**  
New Mexico State  
Representative  
District 53 (D)



1. a. Jobs. I will continue to work with the Las Cruces and Alamogordo Chambers to bring businesses to my district. I will again sponsor legislation that will attract employers to my district. b. Health care. I will support responsible legislation that will extend care to all New Mexicans who otherwise do not have health care coverage. Rural health care delivery is of primary importance to me. I sponsored and passed a physicians assistant bill last . . .

2. It is a problem that many have tried to solve for several years. I believe a water use credit system, water conservation, and

revised regulations that would help us redefine beneficial use, but this might take some constitutional changes. I would support the use of thermal infrared instruments to measure agricultural and other consumptive water uses in addition to finding more efficient ways to capture and filter otherwise unusable surface water.

3. The Governor and all the legislators have not been able to come up with a viable solution. I would like to see a board established to take a look at various health care coverage models, analysis of cost benefits, and how we might use current systems to extend coverage. We need to ensure that the insurance industry is a partner with analysis and planning. I believe a 3-year plan needs to be put in . . .

4. Yes it should, but it is a big taxpayer expense. Shortly, it will supply public transportation from Berlin to Santa Fe. As a member of the Transportation and Public Works Committee, I will continue to ask the question, encourage study, and lobby my colleagues for an extension of the Rail Runner. Such public transportation is always part of the infrastructure in Europe and Asia, why not in the U.S., specifically in one of its largest . . .

**Stanford E. Locke**  
New Mexico State  
Representative  
District 53 (R)



1. Infrastructure: roads, water, septic/sewer for east mesa & Chaparral. Education, specifically what is taught at public schools, attendance requirement, discipline, and alternative to public schools including voucher systems; Access to public lands with bicycles, wheel chairs, motorized vehicles, concern about being denied access. Fight for funds for roads & sewers, fight for school accountability, and for vouchers; for rights to access to public lands; wasteful spending and governance by political correctness and activist courts.

2. Long range planning using reliable information from reliable sources and include participation from all concerned citizens including farmers & ranchers, developers. Work the plan Assure adequate agricultural water will always be affordable and available to farmers. Tax incentives and regulations that do not hinder productivity and profit that will encourage modern water saving irrigation systems and insure infrastructure in place prior to new construction. Practical not politically correct solutions.

3. Representation and participation by diverse related business, citizen, government, entities to refine solutions including: Tax incentives for businesses and individuals coupled to mandatory enrollment. Portability, minimum paperwork, uniform

records and reporting processes and procedures. Limit illegal and irresponsible use of health care system. Affordable pool for existing condition/ "uninsurable. encourage higher deductibles and penalties to individuals that abuse system, lower costs of insurance to providers, limit tort judgments. Keep private not state agency.

4. No! The rail in the north is nearly twice over budget and used money that should have provided infrastructure to every community and road system in the state. The cost of the existing rail would project the cost of a complete system to be in the billions of dollars. Systems in densely populated areas of other states do not pay for themselves. Extending the system would serve few people and tax s all.

## Questions for the Candidates for Doña Ana County Commissioner

(2 questions – 50 words each)

1. What aspects of your background, experience and training qualify you for this position and why do you seek office?

2. Doña Ana County will be facing a myriad of issues involving the planned increase of military families locally, ongoing urban development, the need to preserve and upgrade existing neighborhoods, and the protection of wilderness areas. What role should county government play in providing management, services and funding to successfully meet these needs?

**Dolores Saldaña-Caviness**  
Doña Ana County  
Commissioner  
District 2 (D)

No response received.

**Scott Adam Krahling**  
Doña Ana County  
Commissioner  
District 4 (D)



done and succeeding. I understand the position, fair decision making and I'm honest and accountable.

2. County government should bring people together including representatives from the cities, the public and businesses to plan our growth and meet the safety, economic and quality of life needs that we have. We need to implement new policy and hold people responsible for treating everyone equally.

**Doyle D. Pruitt**  
Doña Ana County  
Commissioner  
District 4 (R)



1. Serving the community I live in, bettering conditions of community. I have past experience as President of one of the largest Teamster Locals in California (7,000 strong) and held a four-year City Council seat in California. I have a B S in Structural Engineering, identifying problems and fixing them.

2. Planning ahead for open space. Wilderness kept un-encroachable. Accessing more potable water, Utilizing our wastewater better. Building a nuclear power plant with Federal, State, County and local monies, allowing more affordable electricity. Enticing large businesses into the County, affording jobs. New, more efficient building codes with efficient use of utilities.

**Leticia Duarte Benavidez**  
Doña Ana County  
Commissioner  
District 5 (D)



1. This past July, I completed a successful 25 year career with Doña Ana County. As a Grants Administrator for the last eight years, I have gained significant experience managing state and federal grants for a wide variety of projects - construction and improvements in infrastructure through out the County.

2. Understanding the responsibility of county government to actively respond to the tremendous growth occurring in this community, I will support sound planning efforts and adequate investment. Dedicate resources for evaluating cost-effective solutions for addressing: road, sustainable water/waste water services, flood control, infrastructure and public safety.

**Greg Sowards**  
Doña Ana County  
Commissioner  
District 5 (R)

1. Military and public school experience, along with life in the private sector, starting several businesses, Patenting and manufacturing products, while raising a large family have given me a unique outlook when

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evaluating governmental interaction between public and private interests. This is an opportunity to shape County for next generation's enjoyment.

2. County Government is the only entity that

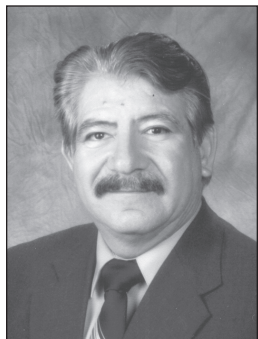
can address these issues at once; tough questions asked, and answered by Commission will be necessary. "Structured flexibility", will allow for changing needs in the future. These are not easily addressed issues. Having no relationships with present employees will make my answers impartial.

## Questions for the Candidates for Doña Ana County Treasurer

(2 questions – 50 words)

1. What aspects of your background, experience and training qualify you for this position and why do you seek office?
2. What policies would you propose to ensure responsible management of county assets?

## David Gutierrez Doña Ana County Treasurer (D)



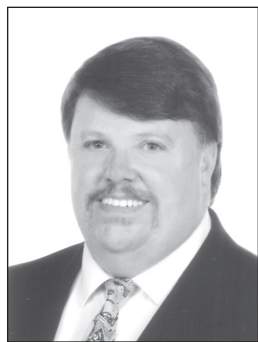
1. Qualifications: MBA degree; four years Mesilla Town Clerk/Treasurer; eight years Doña Ana County Treasurer; two years NM Association of Counties, Treasurers Affiliate chairman; and fifteen years small

business owner. I am running because I am concerned with the current mismanagement of the office. Our community deserves professional transparent management.

2. I will reinstate the policies I had during my tenure as treasurer. Those policies gave us years of clean audits. My cash handling procedures will avoid embezzlement of money as has occurred under the current administration. I will invest within the county to help our local economy.

## Jim D. Schoonover Doña Ana County Treasurer (R)

1. My degrees from NMSU in Accounting, Human Resources and Management, coupled with 25 years of financial experience, including four years as County Treasurer, gives me the foundation to provide excellent customer service, and accurate financial reporting, while maintaining safe-



ty, liquidity, and the highest possible return on your property tax money.

2. Serving the residents of Doña Ana County is my #1 priority. I run the Treasurer's Office like a business by continuing to invest county funds at the highest rate of return, running an efficient office; protecting your property tax money; and maintaining a high level of customer service.

## Questions for the Candidates for Doña Ana County Clerk

(2 questions – 50 words)

1. What aspects of your background, experience and training qualify you for this position and why do you seek office?
2. What would you do to ensure the integrity of the voting system used in Doña Ana County? Please address the recruitment and training of staff and election workers, as well as increasing voter registration and voter turnout?

## Lynn J. Ellins Doña Ana County Clerk (D)

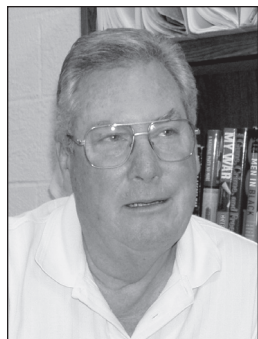


1. I have served as county Supervisor of Bureau of Elections for two years. Under my leadership the Bureau has conducted nearly a dozen elections without any major problems.

These elections have been conducted with fairness and integrity - for which the Bureau has received local and state-wide acclaim.

2. Recruit younger poll workers to replace an aging poll worker population. Continue to provide good "customer service" on election day. Continue on-line training for poll workers. Provide additional early voting sites as needed. Continue voter registration drives. Publicize polling place locations. Print sample ballot on Bureau's web site.

## Sidney P. Goddard Doña Ana County Clerk (R)



1. Professional and military training with over 30 years of executive management experience in human resource and organizational management, plus several years of civic and local service experi-

ence, most recently as past County GOP chairman, 2005-2008, provide an ample background to change the county's "poster child" reputation for voting irregularities.

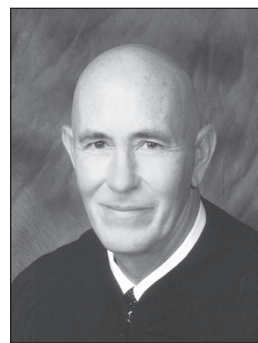
2. Factors such as department leadership, organizational structure, training (both staff and election worker), resource management and associate morale all contribute to the current unsatisfactory state of affairs. Politicization of the Clerk's office needs to be done away with.

## Questions for the Candidates for Magistrate Judge

(2 questions - 50 words)

1. What aspects of your background, experience and training qualify you for this position and why do you seek office?
2. What practices do you believe are necessary to ensure that each person coming before the magistrate court receives a fair trial?

## Kent L. Wingenroth Magistrate Judge Division V



1. As a retired NMSP Officer and the current Magistrate Judge I believe I have brought knowledge of law and experience to the bench which I now preside, receiving training through the Academy and the

Judicial Education Center. I seek to serve the court and the people of Doña Ana County.

2. My listening, communication and education skills aid my ability to apply the law in a fair and just manner. Ensuring, that those who appear before the court, leave understanding the process, it's important that people understand the charges, pleas, sentencing, penalties and their rights to due process.

## George P. Murphy Magistrate Judge Division V



1. In the Marshal's department, serving in the courts gave me insight to many types of cases. I desire to promote justice, fairness and equality, as well as change in this court system. My thoughts: Judges

should be non-partisan and elected, not simply "retain" or "don't retain".

2. Ask defendant if he was advised of his rights – that he understands the charges, maximum penalty, right to remain silent, to bail, counsel, and to jury trial. I believe "innocent until proven guilty", and that judges need to know the law.

## Questions for the Candidates for Judge of the 3rd District Court

(2 questions – 50 words)

1. What is your judicial philosophy and how does it affect the way you function as a judge?
2. Based on your experience as a sitting judge up for retention, do you have any ideas on improving the efficiency of the judicial system? Please explain.

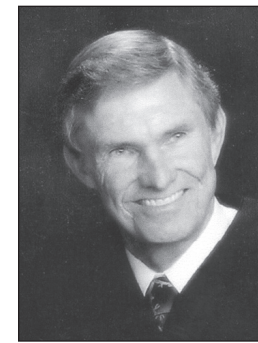
## Robert E. Robles Judge of the 3rd District Court Division 1



1. Litigants who come before a Judge should be treated equally, consistently, fairly, with courtesy and dignity. A Judge should follow the law and rule as promptly as possible.

2. Courts should utilize technology to ensure that cases are heard promptly and set standards for case flow management.

## Stephen Bridgforth Judge of the 3rd District Court Division 2



1. To run my division of District Court, which is a criminal division, efficiently and fairly. To treat all people in my Courtroom, regardless of their status, with dignity and respect. I try to remember these ideals each and every day.

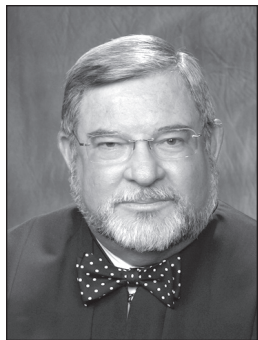
2. My division in District Court is one of two criminal divisions. We presently use a trailing calendar system with trials set 8 deep each day. What we truly need to help the Court cut down on time to trial disposition is additional judgeships.



# Candidate Responses

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## Mike Murphy Judge of the 3rd District Court Division 3



1. All parties coming before the Court deserve a fair, impartial, reasonable and prompt adjudication of their matter. I strive to do this every day, and I try to temper justice with compassion and respect for the litigants.

2. More resources need to be made available to self-represented litigants.

## Jerald A. Valentine Judge of the 3rd District Court Division 4



1. To protect the rights and liberties of the people of New Mexico guaranteed by the Constitutions and laws of New Mexico and the United States; resolve legal disputes justly and timely; and assure access to justice

for all. This requires being knowledgeable in the law, being prepared, and listening carefully.

2. The District and Metro Court Performance Committee, which I chair, has developed several performance measures currently in use by the courts. In the Lower Rio Grande Adjudication, with input from experienced water lawyers, I have prepared and entered a new Case Management Order to assist in expediting the adjudication.

## Lisa Claire Schultz Judge of the 3rd District Court Division 5



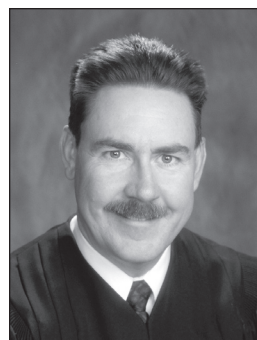
1. There is no justice without mercy, and no mercy without justice. Our children deserve our care and devoted guidance. I bring the values of fairness and personal responsibility to the bench. My philosophy di-

rects my actions towards the safety of the community, and the healing of the children and families.

2. Yes. We should utilize alternative dispute resolution venues as often as appro-

priately indicated. In 2007, we instituted an effective mediation program with CYFD in children's court. Also, we need to continue to build bridges between the Court and the community, including law enforcement, the schools, mental health providers – everyone.

## Jim T. Martin Judge of the 3rd District Court Division 6

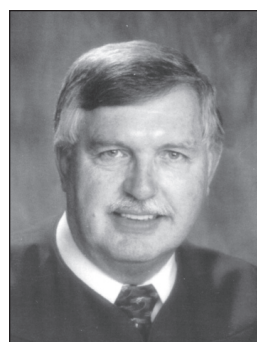


1. My judicial philosophy is to support and strongly defend judicial independence. To promote judicial independence, my courtroom is free from bias or prejudice; my rulings are clear, concise, and supported by

the law; and the litigants who appear before me are given a fair opportunity to present their case.

2. Available technology should be used to provide greater and easier access to court files and information. While technology is not a substitute for the human interaction between the public and the judiciary, electronic filing and internet-based file access can greatly benefit the efficiency of the judicial system

## Douglas R. Driggers Judge of the 3rd District Court Division 7



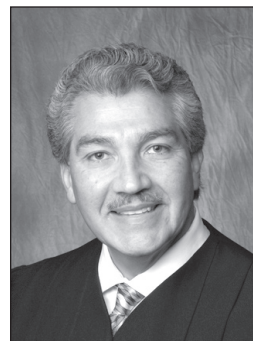
1. My judicial philosophy is to support and strongly defend judicial independence. To promote judicial independence, my courtroom is free from bias or prejudice; my rulings are clear, concise, and supported by

the law; and the litigants who appear before me are given a fair opportunity to present their case.

2. Available technology should be used to provide greater and easier access to court files and information. While technology is not a substitute for the human interaction between the public and the judiciary, electronic filing and internet-based file access can greatly benefit the efficiency of the judicial system.

## Fernando R. Macias Judge of the 3rd District Court Division 8

1. To be prepared. Know and follow the law. Listen carefully and treat all with respect. Have the courage to make the right decision.



2. Reduce the timelines in making final decisions in abuse & neglect and juvenile delinquency cases. To reduce the number of children in the child welfare and juvenile justice systems.

## Questions for the Candidates for Doña Ana District Attorney

(2 questions – 50 words)

1. What are your two highest priorities for this office and how do you propose to accomplish them?
2. In what way can the District Attorney show accountability to the voters?

## Susana Martinez Doña Ana County District Attorney



1. Expand the specialization of the prosecution of crimes against children, the elderly and domestic violence as well as coordinate with the three school districts in Doña Ana County to reduce truancy and enhance the

opportunities for children to graduate from high school.

2. Prosecution of criminal cases is often part of the daily media, which allows the public to learn of the cases being pursued by the District Attorneys Office as well as the outcome. Victims of crimes, who are also voters, have regular contact with my office throughout the prosecution of their case.

## Judicial Offices

Each justice of the Supreme Court of New Mexico, judge of the Court of Appeals, district judge, or metropolitan court judge must be elected to that position in a partisan election prior to being eligible for a non-partisan retention election. In a partisan election, the candidate receiving the most votes will be elected. In a retention election, the justice or judge must receive a 57-percent "yes" vote out of all the votes cast on the question of whether the justice or judge should remain in office. The website of the Judicial Performance Evaluation Committee, [www.nmjpec.org](http://www.nmjpec.org), includes evaluations and information about retention candidates. As a nonpartisan organization, the League of Women Voters does not support, oppose, or make recommendations regarding any political party or candidate.

## Justice of the Supreme Court

The five justices on the Supreme Court are elected by all voters in the state and serve eight-year terms. The Supreme Court is located in Santa Fe and serves as the administrative head of the New Mexico judicial branch of government. It is the "court of last resort" for state appellate actions, regulates attorneys and judges and has superintending control over all lower state courts. It has jurisdiction over civil cases where jurisdiction is not specifically vested in the state Court of Appeals, appeals from criminal cases imposing the death penalty or life imprisonment, appeals from decisions of the New Mexico Public Regulation Commission, certiorari review of state Court of Appeals decisions, and cases certified to it by the state Court of Appeals or any federal court. To be eligible to hold the office of Justice of the Supreme Court, a person must be 35 years old, have practiced law for at least 10 years and have resided in New Mexico for the last three years.

## Questions for the Justice of the Supreme Court

(4 questions – 65 words)

1. How have your training, professional experience, and interests prepared you to serve on this Court?
2. What programs and changes to improve the New Mexico Supreme Court do you plan to implement?
3. What ethical practices are critical to keep the judiciary independent from political influence?
4. What role do personal beliefs play in your judicial decision-making?

## Charles W. Daniels Justice of the Supreme Court – Partisan (D)

1. Before being appointed to the Court, I spent over 38 years as a courtroom lawyer, law professor, researcher and writer. See [www.keepjusticedaniels.com](http://www.keepjusticedaniels.com). I also have experienced a wide range of personal and community activities that help me appreciate how the law affects real people in their day-to-day lives. I have learned the importance of being a problem solver, instead of a problem maker.

2. Without reasonable access to the justice system, people do not have reasonable access to justice itself. I will work toward making our processes fairer and our courts more accessible. We must correct the things that should be corrected and help communicate a better understanding and appreciation of the fundamentally important protections in our law that should be safeguarded.

3. Judges should separate themselves from even the appearance of being affected by political influence. Despite the fact that the law currently requires that judges undergo their first election as a political can-

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# Candidate Responses

*continued from previous page*

didate, I firmly believe that I must be a Justice for all citizens, regardless of political or other extraneous considerations. Without justice for all, there is no true justice.

4. I believe in the concept of equal justice under the law, and that personal commitment should never be forgotten. Personal beliefs must not override the rule of law, however. Judges must respect the important roles of the executive and legislative branches in our constitutional system of government, and to the inalienable right of the people to govern themselves.

## **Patricio M. Serna** **Justice of the Supreme Court** **– Retention**

1. J.D. degree from University of Denver School of Law. L.L.M. degree from Harvard Law School. Assistant Attorney General for four years and six years in private practice. District Court Judge from 1985 until 1996, including a four-year term as Chief Judge. Supreme Court Justice since 5 December 1996; Chief Justice in 2001 and 2002; currently Senior Justice.

2. Assist the New Mexico Supreme Court in implement: Supreme Court Long-Range Strategic Plan, Supreme Court Commission on Access to Justice Plan, the New Mexico

Tribal-State Judicial Consortium initiatives, Supreme Court Interpreter Advisory Committee initiatives. I will continue to effectively, fairly, and timely handle the ongoing workload, including petitions, motions, decisions and opinions.

3. The critical components of judicial independence are fairness, impartiality, integrity, wisdom, professionalism and courage. Judicial independence must also encompass judicial accountability. The evaluation of judges by a Judicial Performance Evaluation Commission, using clear performance criteria, is key to judicial accountability. An independence judge rules fairly and impartially, free from extraneous influences and immune to outside pressure.

4. Personal beliefs play no role in my judicial decision-making because my responsibility is to decide cases fairly and impartially, based on the law, free of political or other influences. The rule of law, as set forth by our constitution, statutes and common law, is my guiding star that I will always follow.

## **Judge of the Court** **of Appeals**

The ten judges on the Court of Appeals are elected by all voters in the state and serve eight-year terms. As the intermediate appellate court between the district courts and the Supreme Court, the Court of Appeals current-

ly reviews appeals in all cases, except criminal cases involving sentences of death or life imprisonment, appeals from the Public Regulation Commission, and cases involving habeas corpus. The judges sit in panels of three judges to decide cases. Eligibility for office is the same as that of Supreme Court Justices.

## **Questions for the Judge of the Court of Appeals**

(4 questions – 65 words)

1. **How have your training, professional experience, and interests prepared you to serve on this Court?**
2. **What programs and changes to improve the New Mexico Court of Appeals do you plan to implement?**
3. **What ethical practices are critical to keep the judiciary independent from political influence?**
4. **What role do personal beliefs play in your judicial decision-making?**

## **Jonathan B. Sutin** **Judge of the Court of Appeals** **– Retention**

1. I have been on the Court almost ten years, serving as Chief Judge the last two. I

was a trial and appellate lawyer in private practice in Albuquerque for 33 years, after starting with the Justice Department, Civil Rights Division, in 1963-65. I am wed to the principle of the rule of law and to justice in our society.

2. The Court meets regularly regarding its performance and changes to improve the Court. At my urging, the Court has significantly expanded its extremely well-received program of holding oral arguments in actual cases in public schools throughout the State. This program provides students with an understanding of the judicial process and they gain appreciation of the important role of the judiciary in resolving disputes.

3. Three members of the Court must participate on each appellate opinion. We are duty bound to timely decide cases based solely on the law and the facts, to write principled, rational, and logical opinions, and not to engage in pursuing a result based on political or personal agendas. We are to be held accountable under the strict ethical and professional standards that govern judges.

4. Personal beliefs play no role in my appellate judicial decision-making, nor ought they play any role. My judicial decision-making is based solely on the law and the facts, and I do the best I can to write opinions that are principled, rational, logical, and fair.

# Bonds & Amendments

## **General** **Obligation Bonds** **2008 Capital Projects General** **Obligation Bond Issues**

### **General Obligation Bonds** **and Taxes**

A bond represents a debt for money borrowed by a government to finance capital improvement projects. The government promises to repay the amount borrowed, plus interest, over a period of time. The bonds are called “General Obligation” because payment of the debt service (principal plus interest) is a general obligation of the governmental entity issuing the bond, in this case the state and its property owners. Therefore, the bonds are backed by the full faith and credit of the State of New Mexico.

General obligation bonds are payable from property taxes levied on all property in the state that is subject to project taxation. According to the Board of Finance Division of the Department of Finance and Administration, the specific amount of property taxes collected is attributable to a number of factors, including the amount of the bond issue, other general obligation bonds paid off or maturing, the date of issuance, the actual interest rate obtained on the bond sale, and the issuance costs.

## **2008 Capital Projects General** **Obligation Bond Act**

The 2008 New Mexico legislature passed

the 2008 Capital Projects General Obligation Bond Act detailing projects that would be funded by these bonds. No bonds will be issued or sold under the act until the state's registered voters have voted upon and approved the bonds. Each bond is voted upon separately.

Bond Issue 1 asks for voter approval to issue general obligation bonds in an amount not to exceed \$14,725,000 for senior citizen facility improvement, construction, and equipment acquisition. Bond

Issue 2 asks for approval to issue general obligation bonds in an amount not to exceed \$11,019,000 for academic, public, and tribal library acquisitions. Bond Issue 3 asks for approval to issue general obligation bonds in an amount not to exceed \$57,925,000 to make capital expenditures for health-related facilities. Bond Issue 4 asks for approval to issue general obligations bonds in an amount not to exceed \$140,133,000 for higher education and constitutional special school facilities. The total of all four questions, including bond issuance costs, is \$223,802,000. A complete breakdown of the designated projects under each bond issue can be found on the New Mexico Legislature's website: <http://legis.state.nm.us/Sessions/08%20Regular/final/SB0333.pdf>

### **Bond Issue 1 – Senior Citizen** **Facility Improvements**

The 2008 Capital Projects General Obligation Bond Act authorizes the issuance and sale of senior citizen facility improvement, construction, and equipment acquisition

bonds. Shall the state be authorized to issue general obligation bonds in an amount not to exceed fourteen million seven hundred twenty-five thousand dollars (\$14,725,000) to make capital expenditures for certain senior citizen facility improvements, construction and equipment acquisition projects and provide for a general property tax imposition and levy for the payment of principal of, interest on and expenses incurred in connection with the issuance of the bonds and the collection of the tax as permitted by law?

**Summary of Senior Center Projects to be Funded:** The sale of Bond Issue 1 will fund 148 senior citizen facility projects in 29 New Mexico counties, including the Navajo Nation and pueblos, as follows: Bernalillo, eight projects totaling \$2,395,300; Catron, one project totaling \$2,165; Chaves, three projects totaling \$575,515; Cibola, five projects totaling \$581,600; Colfax, seven projects totaling \$274,240; Curry, four projects totaling \$45,716; Doña Ana, five projects totaling \$87,700; Eddy, two projects totaling \$101,377; Grant, three projects totaling \$48,447; Guadalupe, two projects totaling \$166,317; Hidalgo, two projects totaling \$728,936; Lea, two projects totaling \$222,600; Lincoln, three projects totaling \$222,500; McKinley, 19 projects totaling \$1,833,130; Mora, two projects totaling \$615,300; Otero, eight projects totaling \$936,336; Quay, three projects totaling \$43,015; Rio Arriba, nine projects totaling \$614,180; Roosevelt, two projects totaling \$28,233; San Juan, ten projects totaling \$376,355; San Miguel, two projects totaling \$81,100; Sandoval, fifteen projects totaling \$1,375,600; Santa Fe, seven projects totaling \$253,480; Sierra, two proj-

ects totaling \$60,950; Socorro, two projects totaling \$72,000; Taos, seven projects totaling \$977,958; Torrance, four projects totaling \$81,500; Union, three projects totaling \$29,250; and Valencia, two projects totaling \$479,200. Also, there are three projects totaling \$390,000 that serve multiple counties through the Navajo Nation, and one state-wide project providing \$1,000,000 to area agencies on aging throughout New Mexico for purchase and installation of equipment.

These 148 projects include the planning, designing, construction, equipping, and furnishing of 17 new senior center facilities in the following areas: Barelás and Highland Senior Centers, Bernalillo County; Hagerman Senior Center, Chaves County; Pueblo of Laguna Senior Center, Cibola County; Lordsburg Senior Center, Hidalgo County; Hobbs Senior Center, Lea County; Hondo Valley Senior Center, Lincoln County; Chichitah Chapter and Standing Rock Chapter Senior Centers on the Navajo Nation, McKinley County; Mora-Wagon Mound Senior Center, Mora County; Tularosa Senior Center, Otero County; Newcomb Chapter Senior Center on the Navajo Nation, San Juan County; Torreon Chapter of the Navajo Nation, Pueblo of Cochiti, and Rio Rancho Senior Centers, Sandoval County; Pueblo of Taos Senior Center, Taos County; and Del Rio Senior Center, Valencia County. In addition to the Legislature's website address listed previously, the New Mexico Aging and Long-Term Services Department's website has a summary of senior citizen projects covered by this bond issue: [www.nmaging.state.nm.us/2008\\_Legislature/2008\\_GO\\_Bond\\_projects\\_by\\_county.pdf](http://www.nmaging.state.nm.us/2008_Legislature/2008_GO_Bond_projects_by_county.pdf)

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# Bonds & Amendments

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## **Bond Issue 2 – Library Acquisitions**

The 2008 Capital Projects General Obligation Bond Act authorizes the issuance and sale of library acquisition bonds. Shall the state be authorized to issue general obligation bonds in an amount not to exceed eleven million nineteen thousand dollars (\$11,019,000) to make capital expenditures for academic, public and tribal library acquisitions and provide for a general property tax imposition and levy for the payment of principal of, interest on and expenses incurred in connection with the issuance of the bonds and the collection of the tax as permitted by law?

**Summary of Library Projects to be Funded:** The following projects have been specifically designated for funding by the sale of Bond Issue 2 to acquire library books, equipment, and library resources:

**Cultural Affairs Department:** \$3 million for public libraries statewide and \$2 million for tribal libraries statewide

**Public Education Department:** \$3 million for public school libraries statewide

**Higher Education Department:** \$3 million for academic libraries statewide

## **Bond Issue 3 – Health Facility Improvements**

The 2008 Capital Projects General Obligation Bond Act authorizes the issuance and sale of health facility improvement bonds. Shall the state be authorized to issue general obligation bonds in an amount not to exceed fifty-seven million nine hundred twenty-five thousand dollars (\$57,925,000) to make capital expenditures for cancer research and treatment facilities, other statewide and regional health facilities, educational facilities for statewide dental services and public health and behavioral health facilities and provide for a general project tax imposition and levy for the payment of principal of, interest on and expenses incurred in connection with the issuance of the bonds and the collection of the tax as permitted by law?

**Summary of Health Facilities Projects to be Funded:**

**Higher Education Department:** Clovis Community College allied health building, \$4 million; San Juan College health sciences building, \$5 million; University of New Mexico dental residency program educational facilities, \$7 million

**Indian Affairs Department:** Santa Fe Indian School regional wellness center, \$3 million

**New Mexico State University:** Carlsbad branch allied health and university transfer center, \$3 million

**University of New Mexico:** health sciences center's cancer research and treatment center, \$17 million; Health sciences

center's neurosciences research building, \$4 million

**Capital Program Fund:** Phase I of Meadows hospital facility at the New Mexico Behavioral Health Institute, Las Vegas, \$10 million

**Department of Health:** Renovation of public health offices in Roosevelt County, Alamogordo in Otero County, and Sunland Park in Doña Ana County, \$2.328 million; regional health services facility in Rio Arriba County, \$2 million

## **Bond Issue 4 – Higher Education and Special Schools Improvements and Acquisitions**

The 2008 Capital Projects General Obligation Bond Act authorizes the issuance and sale of higher educational and special schools capital improvement and acquisition bonds. Shall the state be authorized to issue general obligation bonds in an amount not to exceed one hundred forty million one hundred thirty-three thousand dollars (\$140,133,000) to make capital expenditures for certain higher educational and special schools capital improvements and acquisitions and provide for a general property tax imposition and levy for the payment of principal of, interest on and expenses incurred in connection with the issuance of the bonds and the collection of the tax as permitted by law?

**Summary of Higher Education and Special School Projects to be Funded:** The following projects have been specifically designated for funding by the sale of Bond Issue 4:

**Higher Education Department:** Central New Mexico Community College, phase 3 of the westside campus, \$12 million; New Mexico Junior College central plant, \$3.5 million; Mesalands Community College North American wind research and training center, \$7 million; Luna Community College multipurpose education center, \$4.5 million; Santa Fe Community College trades and advanced technology center, \$4.2 million; Institute of American Indian Arts science, technology, art and cultural center, \$500,000

**Eastern New Mexico University:** Roswell Branch educational center, \$4 million; Portales campus electrical system upgrade, \$2 million; technology building renovation, \$9 million; and music building renovation, and expansion, \$1 million

**New Mexico Highlands University:** Campus infrastructure, \$9 million; science building and annex renovations, \$1.8 million

**New Mexico Military Institute:** Pearson auditorium renovations, \$5 million

**New Mexico Institute of Mining and Technology:** Central utility renovation and expansion, \$8 million

**New Mexico School for the Deaf:** Dillon Hall plan, construction, and equipping, \$3 million

**New Mexico State University:** Arts com-

plex plan, construction, and equipping, \$19 million; agricultural center research, education, and services, \$2.4 million; Doña Ana East Mesa Center plan, construction, equipping, \$6 million; Doña Ana branch trades building renovation and expansion, \$500,000; Alamogordo branch general classroom buildings plan, construction, and equipping, \$1 million; Carlsbad branch infrastructure renovation and expansion, \$300,000

**Northern New Mexico State School:** Española campus, learning resource center addition plan, construction, and equipping, \$5 million; acquisition of land for, and planning of, a solar energy research park academy and the retrofitting of buildings for alternative energy resources, \$1.8 million

**University of New Mexico:** Biology building renovation and expansion, \$5 million; college of education plan, construction, and equipping, \$6 million; Mesa del Sol digital media building plan, design, construction, and equipping, \$4 million; learning center plan, construction, and equipping, \$2 million; Gallup branch structural repair and mechanical replacements at Calvin Hall, \$900,000; Taos branch classroom completion project plan, construction, and equipping, \$3.3 million

**Western New Mexico University:** Chino computing center renovation, \$2 million; campus infrastructure plan, construction, and equipping, \$6 million

## **Proposed Constitutional Amendments**

On November 4, 2008, five proposed constitutional amendments will appear on the New Mexico general election ballot as the result of passage of joint resolutions by the New Mexico Legislature in its 2007 and 2008 regular legislative sessions. For adoption, a constitutional amendment requires ratification by a majority of those voting on the constitutional amendment. Proposed constitutional amendments become effective upon approval by the voters unless an effective date is provided within the text of the proposed amendment.

### **Brief Analysis and Arguments For and Against**

The full text of each amendment with "for and against" arguments prepared by Legislative Council Services staff can be found on [www.legis.state.nm.us/lcs/lcs-docs/prosandcons2008.pdf](http://www.legis.state.nm.us/lcs/lcs-docs/prosandcons2008.pdf). The following information includes the text of each proposed amendment with a brief analysis of the amendment and a summary of arguments for and against the amendment.

## **Constitutional Amendment No. 1**

A joint resolution proposing an amendment to Article 12, Section 15 of the Constitution of New Mexico to increase the size of certain school boards to nine members and conduct the election by mail-in ballot or as otherwise provided by law.

### **Brief Analysis**

Constitutional Amendment No. 1 proposes to amend Article 12, Section 15 of the Constitution of New Mexico to increase the size of school boards in school districts with a population greater than 200,000 from seven to nine members. The amendment would also require that elections in school districts with a population greater than 200,000 be conducted by mail-in ballot, or as otherwise provided by law. At the present time, the Albuquerque Public School District is the only district affected by this amendment, but as New Mexico's population increases, other school districts may eventually exceed a population of 200,000.

### **Arguments For:**

1. Increasing the membership of school boards in municipalities with a population greater than 200,000 allows the board to represent its constituency better, have a more diverse representation from the community, and provide a greater opportunity for more people to serve as board members.

2. A larger, more diverse board can have a greater variety of backgrounds and skills among its members.

3. Mail-in ballots are more efficient and less costly because there is no need to hire poll workers. If a school district chooses not to use a mail-in ballot procedure, it can still hold a school election.

4. A mail-in ballot procedure will increase voter participation in school district elections by making it easier to vote.

5. This amendment would allow the legislature to pass legislation permitting Albuquerque school district elections to be held in conjunction with the general election, which could save the district from having to pay the cost of a separate election.

### **Arguments Against:**

1. This amendment forces voters to cast one vote for two separate and distinct ideas. A voter who believes that changing the size of the school board is a good idea, but does not agree with allowing elections to be held by mail-in ballots, cannot vote for one provision without also voting for the other one. Combining two independent provisions in the same piece of legislation is prohibited by the New Mexico Constitution.

2. A larger school board is not necessarily a more effective school board.

3. Voting by mail raises a number of serious concerns such as the possibility of phony signatures, ballot-box stuffing, an increased risk of vote-buying or other types of improper influence when there is no official supervision. Other concerns are the possibility of late delivery of mailed ballots and being unable to contact voters when a signature or registration status is in doubt.

4. Allowing for mail-in ballots for school board election creates confusion and a conflict with current laws, which strictly limit the use of mail-in ballots to: (a) bond elections; (b) elections on the imposition of a mill levy or a property tax rate for a specific purpose; or (c) any special election at which

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# Bonds & Amendments

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no candidates are nominated for or elected to office. Current law also prohibits mail-in ballots from being combined with an election that also requires in-person voting at a polling place.

## Constitutional Amendment No. 2

A joint resolution proposing an amendment to Article 10, Section 1 of the Constitution of New Mexico to allow for midterm salary increases for county officers.

### Brief Analysis

The Constitution of New Mexico currently provides that salaries of county officers cannot be increased during their term of office. Constitutional Amendment No. 2 proposes to amend Article 10, Section 1 of the Constitution of New Mexico to allow county commissions to give midterm salary increases to county officers such as the sheriff, assessor, treasurer, clerk, surveyor and probate judge. The proposed amendment would also allow county commissioners to give themselves a midterm raise.

### Arguments For:

1. This amendment will allow counties to keep experienced and knowledgeable elected county officials by offering a midterm financial incentive to help offset rising costs of living.
2. County commissioners can withhold pay increases when performance has been unsatisfactory. Commissioners are elected officials, so any perceived abuse of this power can be addressed by the voters at the polls.
3. Currently, county commissioners who serve staggered terms may be receiving different salaries while serving on the same board. This amendment would help avoid pay differential problems for county commissioners.
4. The legislature has already limited the amount of compensation that different classes of counties may pay their elected officials, so midterm increases should not result in outrageous salary increases for county officers.

### Arguments Against:

1. With the approval of this amendment, incumbent county commissioners may now vote to give themselves a pay raise, instead of only being able to give a pay raise to commissioners elected for the next term.
2. Public officers may be encouraged to pressure county commissioners and legislators to increase compensation for incumbent politicians.
3. Allowing county commissioners to vote to increase their own salaries during their terms of office may be an irresistible temptation that results in increased costs for taxpayers.
4. If other revenue in the county decreases after salaries have been increased, it might be difficult for a smaller county to sustain its budget and level of services.

5. Prohibitions against increasing the compensation of public officers during their terms of office can be found in other states.

## Constitutional Amendment No. 3

A joint resolution proposing an amendment to Article 5 of the Constitution of New Mexico to require confirmation of cabinet secretaries at the beginning of each term of a governor.

### Brief Analysis

Current law requires that cabinet secretaries be confirmed by the state senate, but, once confirmed, a secretary serves at the pleasure of the governor. Constitutional Amendment No. 3 proposes to add a new section to Article 5 of the Constitution of New Mexico that would require that the heads of all cabinet-level departments or agencies whose appointment is subject to confirmation by the state senate be reconfirmed at the beginning of each term of a governor.

### Arguments For:

1. This proposed amendment will give voters, through their elected state senators, a greater influence on the choice of cabinet secretaries.
2. Reconfirmation hearings will give the senate a chance to re-evaluate the appointee's abilities to perform critical tasks.
3. New Mexico taxpayers deserve to have "their employees" go through a job-retention evaluation process.
4. Since the governor is required to run for re-election, cabinet-level officials should also be reconfirmed by the senate if the governor is re-elected.

### Arguments Against:

1. The original confirmation process presumably involved investigating issues of qualification for the appointment. If there has been malfeasance or misfeasance, other remedies would apply.
2. Having the senate conduct unnecessary additional confirmation hearings will interfere with the smooth flow of legislative business and will take time away from the senate's other important duties: introducing, debating, and voting on legislation.
3. Continuity in government allows relationships to develop and expertise to build among executive secretaries and agencies. This process should not be interrupted for reasons that have more to do with politics than with policy.
4. Once an appointee is on the job, it is up to the governor to determine if the appointee is performing well.
5. The amendment is unclear in several respects, which might lead to future litigation.

## Constitutional Amendment No. 4

A joint resolution proposing to amend Article 7, Section 1 of the Constitution of New Mexico to allow school elections to

be held at the same time as non-partisan elections.

### Brief Analysis

Constitutional Amendment No. 4 proposes to amend Article 7, Section 1 of the Constitution of New Mexico to allow school elections to be held at the same time as non-partisan elections. The constitution currently prohibits school elections from being held with any other election. Non-partisan elections include municipal elections, bond elections, hospital elections, conservancy district elections, and other special district elections.

### Arguments For:

1. Voter participation in school board elections will be increased by allowing school board elections to be held with other non-partisan elections such as municipal elections.
2. Combining school elections with other non-partisan elections will reduce the number of separate elections being held, make it more convenient for voters to participate in elections, and encourage involvement in local governance.
3. School district election costs will be lower if elections are combined with other non-partisan elections.
4. The prohibition on holding school elections in conjunction with other elections was established in the early 1900s, when women did not have the full right to vote and could only vote in school elections.

### Arguments Against:

1. Separating school board elections from all other elections gives voters more direct access to school board candidates; school board election districts are smaller, so candidates can become better known to their communities without having to compete with other non-partisan election issues.
2. School elections should be held with regular general elections to ensure lower costs and a much higher voter turnout, but this amendment does not allow those elections to be combined.
3. Because the regular November general election is always a partisan election, schools will only have the option of holding their elections with non-partisan municipal or special district elections. There may be several local municipalities in each school district, and these municipalities may not have their elections on the same day. In that case, holding the school board election in conjunction with only one of those municipalities could unfairly favor that city's residents over residents of the other municipalities within the school district.
4. Adding public school board elections to existing ballots will make the combined ballot too long and confusing to voters.

## Constitutional Amendment No. 5

A joint resolution proposing an amendment to Article 5 of the Constitution of New Mexico to provide that, in the case of a vacancy in the office of lieutenant governor,

the governor shall fill the vacancy by appointment with the consent of the senate.

### Brief Analysis

Constitutional Amendment No. 5 proposes to amend Article 5 of the Constitution of New Mexico to provide that in the case of a vacancy in the office of the lieutenant governor, the governor will fill the vacancy by appointment, subject to the consent of an absolute majority of the senate. Current law does not provide a procedure for filling a vacancy in the lieutenant governor's position.

### Arguments For:

1. Currently, the constitution has no provision for filling a lieutenant governor vacancy. This amendment provides for the appointment of a lieutenant governor by the governor with the concurrence of the senate, which is the way other vacancies in the executive cabinet are now filled.
2. Since the lieutenant governor serves both as president of the senate and as successor to the office of the governor, it is important to keep the position filled.
3. If there is no governor or lieutenant governor in office, the current law of succession allows for the secretary of state to become governor. This amendment would ensure that succession of the secretary of state would happen in only the rarest of circumstances.
4. The process for replacing a lieutenant governor provided by this amendment is fair and allows for the input of both the executive and legislative branches.
5. This proposal closely mirrors the federal constitution for filling a vacancy in the office of vice president, except that confirmation by only one chamber is required.

### Arguments Against:

1. The lieutenant governor position is largely a ceremonial position, so there should be no need to provide for an appointment process. If it did become necessary, a special election could be held.
2. The only constitutional duty of the lieutenant governor is to preside over the senate. The president pro tempore of the senate can preside over the senate if the lieutenant governor cannot do so.
3. The primary duty of a lieutenant governor is to serve as the governor when the governor is absent from the state or when the governor can no longer serve. The constitution already provides for a succession to the governorship, so the vacancy should continue until a new lieutenant governor is elected by the voters.
4. This proposed amendment requires the governor to appoint a replacement lieutenant governor if that office becomes vacant. However, existing language in the constitution states that if a vacancy occurs in any state office except that of the lieutenant governor, the governor shall fill that office by appointment. This wording suggests that the governor cannot appoint a replacement lieutenant governor.
5. The New Mexico provision should be patterned after the U.S. Constitution and require the consent of both houses of the legislature, not just the senate.