

# 2010 Voters Guide



*A non-partisan guide prepared by the  
League of Women Voters of Greater Las Cruces*



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*This is your free copy  
of the Voters Guide to  
the election. To request  
more copies, call the  
League of Women  
Voters at 524-VOTE  
(8683).*



# Voting Information

### Registering to vote

Anyone who wants to vote in this election must have already registered to vote in Doña Ana County. If you have not yet registered to vote, you have already missed the deadline and will be ineligible to vote in this election. The deadline was October 5, 2010. For questions about voter registration, call the Bureau of Elections (647-7428). The Bureau of Elections is located in the Doña Ana County Government Center, 845 N. Motel Blvd., Las Cruces, NM 88007.

### Voting before election day

#### Absentee Voting

Any person qualified to vote may vote by absentee ballot. You do not need to give a reason to vote absentee. Absentee ballots may be requested in person from the Doña Ana Bureau of Elections at 845 N. Motel Blvd., Las Cruces, NM 88007, by phone (647-7428) or online at [donaanacounty.org](http://donaanacounty.org).

Click on the Election tab, print the application and mail it to the Doña Ana Bureau of Elections. The Bureau of Elections will verify the application information and mail your absentee ballot to you. Friday, October 29, is the last day the Bureau of Elections will mail out absentee ballots. The ballot contains instructions for completion and return.

If you apply for an absentee ballot and RECEIVE it, you must vote that ballot. If you apply for but DO NOT RECEIVE the absentee ballot, you may go to the Bureau of Elections until Friday, October 29, and apply for a replacement ballot. Your completed ballot must be received only at your precinct or at the Bureau of Elections no later than 7 p.m. on Election Day, Tuesday, November 2. A voter, a caregiver to that voter, or a member of that voter's immediate family may deliver that voter absentee ballot in person to the Bureau of Elections, provided that the voter signed the outer envelope of the absentee ballot.

#### Early Voting

Any person registered to vote within Doña Ana County may vote in person on a paper ballot at the Doña Ana County Government Center, 845 N. Motel Blvd., Las Cruces, NM 88007 (647-7428). Early voting at the County Government Center began Tuesday, October 5, and continues on weekdays from 8 a.m. to 5 p.m. and on the Saturday preceding the election, October 30, from 10 a.m. to 6 p.m.

There will be no voting on Columbus Day, Monday, October 11.

Early Voting at ALTERNATE voting locations will begin on October 16, Tuesday through Friday, 11 a.m. to 7 p.m. and Saturdays 10 a.m. to 6 p.m. Closed Sundays and Mondays.

Hatch Community Center  
837 Highway 187  
Hatch, NM 87937

Sonoma Elementary School  
4201 Northrise Drive  
Las Cruces, NM 88011

Branigan Memorial Library 2nd Floor  
200 E. Picacho Ave.  
Las Cruces, NM 88001

Anthony Water and Sanitation District  
1155 North Fourth St.  
Anthony, NM 88021

Chaparral Wright Park  
150 W. Lisa Drive  
Chaparral, NM 88081

GISD Administration Building  
4950 McNutt Road  
Sunland Park, NM 88063

#### Write-in Voting

Write-in voting is permitted on a paper ballot that is counted by optical scan as long as the person you vote for is qualified as a write-in candidate with the Bureau of Elections. You may either write the candidate's first and last name or first initial of the first name and full last name.

#### Provisional Ballot

At your polling place, you will be issued a provisional ballot if your name does not appear on the Signature Roster. If the Signature Roster indicates that you are required to provide identification and if you fail to provide such identification, then you must vote a provision ballot.

#### Voting Offenses

Voters are obligated to report voting offenses to the Bureau of Elections or the District Attorney. Voting offenses are:

- Any form of campaigning within 100 feet of a building containing a polling place.

- Using, possessing or carrying alcoholic beverages within 200 feet of a polling place.
- False voting, such as intentionally voting or offering to vote although not qualified, voting in another name, voting more than once during a single election or asking or assisting another person in committing a voting offense.

#### Election Day

On **November 2, the polls will be open from 7 a.m. to 7 p.m.** Your registration card carries your precinct number where you are registered as well as your polling location. If you do not have your registration card, contact the Bureau of Elections (647-7428). Read the *Las Cruces Bulletin* or the *Las Cruces Sun-News* for a list of polling locations and their addresses or go to <http://www.sos.state.nm.us> to find your polling place.

#### Everyone has the right to vote

Acceptable forms of identification

If your name is on the voter list, you must either:

- Say or write your name, registration address, and year of birth; or, if you choose
- Show the election workers one of the following documents:

- A current and valid photo identification. This can be either the original or a copy. If it has an address on it, it does not have to be the address you had when you registered to vote; OR
- An original or copy of any one of the following, which must show your name and address. The address does not have to match the one you used when you registered to vote.
  - Utility Bill
  - Bank Statement
  - Government Check
  - Paycheck
  - Student Identification Card
  - Other government document, including identification issued by an Indian Nation, Tribe or Pueblo.

Visit the Doña Ana County Bureau of Elections website for more information on the election at <http://www.donaanacounty.org>.

## MEMBERSHIP APPLICATION

League of Women Voters of Greater Las Cruces

The membership year for the LWV/GLC is May 1 to April 30. Join anytime. With membership in LWV/GLC, you also belong to LWVNM and LWVUS.

\_\_\_\_\_ **YES!** I want to join LWV/GLC. The first membership in a household costs \$50. Add \$25 for each additional membership in a household (all mail goes to the same address).

Name(s) \_\_\_\_\_

Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Home Phone \_\_\_\_\_ Work Phone \_\_\_\_\_

E-Mail \_\_\_\_\_

Please make your membership check payable to: LWV/GLC  
Mail to: LWV/GLC, P.O. Box 8322, Las Cruces, NM 88006

\_\_\_\_\_ I do not want to join the League, but I would like to contribute to the LWV/GLC Education Fund. Make your check payable to LWV/GLC Education Fund. Contributions to the LWV/GLC Education Fund are tax deductible.

The League of Women Voters of Greater Las Cruces (LWVGLC) is a non-partisan organization that provides information about political issues and candidates for public office in order to promote greater citizen responsibility and participation in government. Because the League is nonpartisan, it DOES NOT support or oppose any political party or candidate. It does publish and distribute factual information for citizens to use when preparing to vote.

The information in this Voters Guide was obtained by means of questionnaires sent to all the candidates. Their answers are printed exactly as received by the League. Because of space restrictions, candidates are limited to a specific number of words. Also, lists are converted to paragraphs and responses are converted to normal text. Ellipses at the end of a candidate's response indicate the word limit has been exceeded.

#### Disclaimer

The information in this Voters Guide has been carefully assembled and compiled to ensure maximum accuracy. However, the League assumes no responsibility either for correctness of all the information furnished to the League by candidates or other organizations or for errors or omissions. In instances where there is a question of potentially defamatory content, the League will defer to the opinion of counsel.

Special thanks to David McCollum, Publisher/Editor, and the staff of the Las Cruces Bulletin

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# 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 the district of voter registration.

## United States Representative

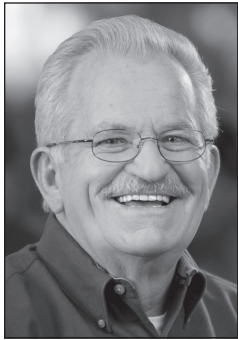
### Questions for the Candidates for US Representative

(4 questions, 75 words each question)

1. How will you balance reduction of the federal deficit and the need to stimulate the economy in light of the large unemployment rate?
2. What potential sources of new funding can you identify and promote via legislation so that renewable energy initiatives are continued after the stimulus money ends?
3. What are your specific plans for bringing jobs to Doña Ana County?
4. Do you think New Mexico should be able to pursue its own healthcare reform model (obtain a waiver from the federal legislation prior to 2017)? Explain.

## District 2

### Harry Teague Democrat



1. Economic growth starts with keeping taxes low for working families. I supported tax cuts for 95% of Americans in the American Recovery and Reinvestment Act which also saved thousands of teacher jobs, and is creating jobs locally through investments in infrastructure, alternative energy projects and more. I voted twice against releasing more bailout funds: we must get government spending under control. We are in tough times, but we can create jobs and be fiscally responsible.

2. We should end tax loopholes and tax breaks for companies that ship jobs overseas and give tax credits to companies that create energy jobs in New Mexico. Do it all? Do it in New Mexico certainty is important, that's why I passed a multiyear extension of the renewable energy tax credit in ARRA, and I'm working on an investment tax credit to help biofuels companies create jobs in New Mexico producing green crude from algae.

3. Small businesses are critical to Las Cruces' economy. I support policies that help small businesses grow, like tax incentives that lower the capital gains taxes on small business investments. I have proposed a Do It All, Do It In New Mexico energy policy to create new energy jobs right here at home and end our dangerous dependence on foreign oil. Investments in Infrastructure and transit promote economic development and livability while attracting new businesses locally.

4. States have the right to innovate and care for their citizens. We know that states have very different situations and specific groups they need to address and it's important that we are flexible. I still believe we have to do more to control healthcare costs and allowing states to innovate and find ways to do that can help us on the national level.

### Steve Pearce Republican

1. The best way to balance the need for economic growth and cutting the deficit is to stop



spending money we don't have. I support freezing non-Defense, non-Veterans' Affairs discretionary spending to 2008 levels and stopping the fraud in Medicare and Medicaid (\$150 B/yr). In order to grow our economy, we must make tax relief permanent, end the push for cap-and-trade legislation, and stop punishing job creators with regulations that are freezing hiring.

2. Tax increases kill jobs. They should be avoided in most times but especially in this time of high unemployment. We are at a point where spending must be reined in. Shifting from low priority spending to higher priority higher outcome spending will be necessary. I would do an analysis of grant programs and stop those that have little or no impact and direct those funds to stimulate investment in alternative energy. Billions could be saved.

3. I supported the spaceport which in the long run will provide much opportunity for manufacturing in Doña Ana county. I would give tax incentives to value added production of agriculture crops. If the US would lower taxes and find the commonsense balance in regulations, the manufacturing of wind generators and solar panels would be a natural fit for the area.

4. According to the Constitution, healthcare should be a state right so, New Mexico, and all other states for that matter, should be allowed to pursue their own healthcare legislation. A one-size-fits-all healthcare policy for 300 million Americans is not a solution, and will only lead to higher prices and poorer service. My belief is that the market will solve delivery of services better than government can solve it.

## Governor

Four-year term with no more than two terms in succession. Must be at least 30 years old, a United States citizen, and have resided continuously in New Mexico for five years preceding his/her election. The governor shares the responsibility of administering the state with other elected officials, represents the state nationally and internationally, signs or vetoes statutes enacted by the Legislature, and appoints members of boards and commissions. Annual salary: \$110,000.

### Questions for the Candidates for Governor

(4 questions, 65 words each question)

1. If elected, what are your two highest priorities? What specific actions will you take to accomplish them?
2. How will you handle projected budget deficits for the State of New Mexico? What will your top priorities be?
3. In light of the new federal health care law, what will you do to ensure that New Mexicans have quality health care?
4. What should be done at the state level to help reduce our use of fossil fuels and encourage the use of clean energy? What actions will you propose?

### Diane D. Denish Democrat



1. I am focusing my attention on issues that directly impact working families specifically, creating jobs and expanding educational opportunities. I have put forward specific plans to invest in small businesses, expand our high-tech and clean-energy sector, and create a workforce that

can compete for the high-demand jobs of the future. Read my plan at [www.dianedenish.com/jobs](http://www.dianedenish.com/jobs).

2. I have put forward a reform plan to save taxpayers \$450 million over five years not by cutting education, health care or public safety but through consolidations, use of technology, reducing the number of political appointees and slashing the state car fleet. We must also close loopholes that give breaks to powerful out-of-state companies at the expense of working families.

3. As former Chair of Insure NM, I've been a longtime advocate for expanding access to affordable health care. I proudly cast the tie-breaking vote against a bill to allow insurance companies to spend less on patient care. As Governor, I will implement the new federal law so more New Mexicans have insurance and our workforce is prepared for the health care industry jobs of tomorrow.

4. The clean energy sector will not only help reduce our dependence on fossil fuels, but create the jobs of the future for New Mexico. I've been a strong supporter of a do everything energy strategy that includes traditional wind, solar, bio-fuels and geothermal technology. I have proposed a detailed plan to develop the high-tech clean energy jobs of the future, which can be read at [www.dianedenish.com](http://www.dianedenish.com)

### Susana Martinez Republican



and into the classroom, end social promotion of students, reward outstanding teachers with merit pay, and expand educational opportunities.

2. The budget grew by over 54% during the Richardson/Denish Administration. I will implement zero-growth budgets in most agencies and audit each department to root-out waste, such as eliminating the number of political appointees that has exploded over the last 8 years and selling the state jet. By eliminating waste and enacting zero-growth budgets, we can protect critical government functions like education and children's health care.

3. While I support insurance reforms and coverage for those with pre-existing conditions, the federal legislation poses a direct threat to quality health care while doing nothing to control costs for middle class Americans. Our priority in New Mexico must be to control costs, including expanding the range of affordable health care plans and tax credits to help businesses provide coverage. We also need legal reform.

4. America is too dependent on other nations to meet our energy needs. To reduce our dependence on foreign sources of energy, we must expand our domestic energy production. New Mexico can lead the way with our abundance of clean energy potential, including wind, solar, and natural gas. We can continue to provide incentives for these industries to develop and reduce barriers that hinder development.

### Kenneth A. Gomez Write-in

No information available in time for publication.

## Lieutenant Governor

Four-year term with no more than two years in succession. Must be at least 30 years old, a United States citizen, and have resided continuously in New

Mexico for five years preceding his/her election. In the general election, the governor and lieutenant governor are voted on as a slate. The lieutenant governor acts as governor when the governor is absent from the state and if, for any reason, the governor is unable to perform his or her duties. Among other duties are serving as the liaison between the people and state agencies, referring citizen complaints and problems to appropriate agencies, and reporting to the governor. The lieutenant governor presides over the Senate and can vote in the event of a tie. Annual salary: \$85,000.

### Questions for the Candidates for Lieutenant Governor

(2 questions, 65 word limit for question 1, 80 word limit for question 2)

1. What qualifications and attributes do you have that make you uniquely qualified to be lieutenant governor?
2. The governor usually assigns specific tasks to the lieutenant governor. To which areas of government would you like to be assigned and why?

### Brian S. Colón Democrat



running to rebuild our economy and invest in public education to prepare our children for jobs of tomorrow.

2. This race is about jobs, the economy and education. As the first in my family to go to college, improving education is my top priority. I believe a good education is the key to a good job and will invest in public education while holding schools accountable for student performance. In addition to stronger licensing requirements for educators and staff, I will work to find a way to increase teacher pay, reduce class sizes and strengthen science and technology programs.

### John Sanchez Republican



New Mexico faces, and I will be a steady voice of reason and an advocate for practical solutions.

2. Beyond the Constitutional duties of the office, I will offer my support and focus, whenever possible, to everyday New Mexicans, as they try to deal with the vast network of state agencies. An appropriate and properly directed phone call or inquiry can be helpful in getting a citizen's problem resolved, or a simple request for assistance met, and moved through the bureaucratic process. I will also participate on Boards and Commissions that require executive branch oversight.



# Candidate Responses

## Secretary of State

Four-year term with no more than two terms in succession. Must be at least 30 years old, a citizen of the United States, and have resided continuously in New Mexico for five years preceding his/her election. The Secretary of State is second in line of succession behind the Governor and the Lieutenant Governor. The Secretary of State attests and affixes the Great Seal of the State of New Mexico to official documents, maintains the state repository of signed legislation and required filings, is the chief election officer, and generally supervises statewide elections. The Secretary of State is responsible for the registration of lobbyists, trade names, trademarks, and notary public commissions. Annual salary: \$85,000.

### Questions for the Candidates for Secretary of State

(4 questions, 65 words each question)

1. What improvements will you make in the operations of the office of the Secretary of State?
2. As Secretary of State, what role will you play in increasing voter turnout? Will you support same day registration? Why or why not?
3. How will you ensure the accuracy and efficiency of the electoral process and conduct the post-election audit?
4. What changes, if any, will you support in campaign finance reporting?

### Mary E. Herrera Democrat



1. I will continue to identify improvements and cost-saving measures, and implement election standards and reform recommended by the Federal Election Commission, to make elections fair, efficient and universally respected. Mapping information and voter demographics

will be consolidated to provide resources for the 2011 Legislature for redistricting. The website will be expanded and enhanced to provide the public with more electronic documents, reports and educational information.

2. I will expand the current outreach with a customer service-oriented program to encourage voter registration, participation and turnout through the media, and with creative, cost-efficient programs, student mock elections, visits to high schools, college campuses and civic organizations. Booths will be set up at special events and festivals. I will support same-day registration to enfranchise more voters, only if safeguards are included to prevent fraud.

3. I will continue promulgating rules to assure uniformity of elections, implement election reform and establish procedures for the random audits tasked by the legislature. I will continue to participate in post-election audits and studies as those I have participated in with Bernalillo County and University of New Mexico. I will expand collaborative opportunities for county clerks to receive training and discuss and resolve election issues.

4. In 2010, I launched a new user-friendly campaign finance reporting system. I will continue to expand the system to include a component for lobbyist filing. Additional features will be added to the system to allow multiple data sorting and retrieval features, as funds become available. I will support legislation to require additional candidate filing dates. These initiatives will improve transparency and accountability to the taxpayers.

### Dianna J. Duran Republican



1. First of all, the Secretary of State (SOS) is the leader. She must ensure fairness for all, treating EVERYONE with equal respect regardless of party. I'll work to restore efficiency, fiscal responsibility, and transparency. We'll assist county clerks in conducting elections,

while working with the legislature to pass much-needed election reform, including the requirement to show an ID when a person goes to vote.

2. The SOS must ensure integrity in the elections process. Voter ID is critical to restoring confidence in the NM voting system. Same day registration has the opposite effect. Increasing turnout is the job of candidates, parties, and causes. If the SOS ensures fairness, an honest count of votes, and a sense of confidence in the system for all New Mexicans voter turnout will increase.

3. From the voter registration process to the final counting of votes, I will work to reform our outdated and internally inconsistent election code, including those sections concerning the post-election audit. We must have new, state-of-the-art software. Importantly, we have to ensure every company is given a chance to produce and provide the creative technology we need not just favored groups or contributors.

4. The campaign reporting act like the election code itself is both lengthy and internally contradictory. Both need revision. I'll work with concerned citizens, all parties and public interest groups, and with legislators to make the code and system consistent, understandable and useful. A top priority will be to make the entire system, especially the on-line interface, user-friendly. The system has to work and work well.

## State Auditor

Four-year term with no more than two terms in succession. Must be at least 30 years old, a United States citizen, and have resided continuously in New Mexico for five years preceding his/her election. The auditor conducts and oversees audits of the activities of state government officials and entities receiving money from state tax revenue. Annual salary: \$85,000.

### Questions for the Candidates for the State Auditor

(3 questions, 65 words each question)

1. What experience and education does the State Auditor need? What are your qualifications in these areas?
2. What are the most important responsibilities of the State Auditor? What will you accomplish in your term of office?
3. What existing policies will you keep and which will you change?

### Hector Balderas Democrat



1. As a former prosecutor with a B.A. from Highlands University and a J.D. from UNM Law School, I was elected State Auditor in 2006. I have aggressively fought government waste, fraud and abuse uncovering the largest embezzlement case in state history

the Jemez Mountain Public Schools corruption case. I work closely with law enforcement and oversight agencies to ensure justice is served.

2. As State Auditor, my primary responsibility is to hold government agencies accountable to taxpayers. My duty is to monitor public schools and other agencies that mismanage public resources and fail to submit audits. I instituted a program that labels these agencies at-risk for fraud and demands compliance with state law. I will continue to scrutinize government's operations to achieve stronger oversight of public dollars.

3. It's critical to keep policies that increase accountability and save taxpayer dollars. During my administration, I crafted reforms that will cut costs for rural governments struggling to pay high audit fees and launched a statewide hotline that any person can call to report fraud, waste or abuse of public resources. I will change policies that fail to hold government responsible for untimely audits. Visit: [www.balderas2010.com](http://www.balderas2010.com).

### Errol J. Chavez Republican



1. An experienced decision maker in a large organization qualifies a candidate for the position of State Auditor. Understanding how organizations function is the key to being a successful Auditor. I trained at the National War College to be an executive with the

Drug Enforcement Administration. I served nine years in the Senior Executive Service. I was responsible for the operations of three different Field Divisions ...

2. Preventing waste, fraud and abuse of State funds is the most important responsibility. I will stop corrupt government officials from ignoring their fiduciary responsibilities.

3. I will document new policies that are understandable to all employees. I will allow investigators to coordinate with auditors within the State Auditor's Office and I will coordinate with prosecutors from various levels of government (Local, State and Federal).

## State Treasurer

Four-year term, with no more than two terms in succession. Must be at least 30 years old, a United States citizen, and have resided continuously in New Mexico for five years preceding his/her election. The treasurer receives, pays out, and accounts for receipts and expenditures of all state monies, and invests the balances. Among other duties are providing reports to the state auditor, the Legislature, and the State Board of Finances. Annual salary: \$85,000

### Questions for the Candidates for the State Treasurer

(2 questions, 65 words each question)

1. The New Mexico State Treasurer is entrusted with approximately four billion dollars of the state's short-term funds. What specific experience do you have that qualifies you to perform and control this function?
2. What are your highest priorities for this office, and how do you intend to accomplish them?

### James B. Lewis Democrat

1. Being elected twice as Bernalillo County Treasurer and twice as State Treasurer uniquely qualifies me for the office. I efficiently and effectively manage the State's approximately \$17 billion portfolio, including general, bond, LGIP



and federal funds. I have proven leadership and management skills. My education includes an MPA, BBA, BS in Education, investment training at Kellogg and Wharton business schools.

2. My highest priority is to restore and maintain honesty and integrity to the Office. My

priorities for accomplishing this are: enhance communication, collaboration and cooperation with external and internal customers; enhance the safety, liquidity, and yield of investments; enhance the cash management system by streamlining the banking process, SHARE, and revising business practices; enforce the Code of Conduct for all employees.

### Jim D. Schoonover Republican



1. As DAC Treasurer I was able to earn millions of dollars from investments while being completely sure our money invested was secure. Due to my success with investments, NMSU County College asked me to design a class on investments for other county

treasurers. After completing this, I was asked to be the keynote speaker and presenter at the training conference for all 33 county treasurers.

2. My priority as State Treasurer is to Secure our Financial Future. My vision includes: full disclosure for all financial records to be open for public review; secure and protect taxpayers dollars; maximize rate of return on all state investments; conservative fiscal responsibility; work for and be accountable to the People of New Mexico; improve communication with excellent customer service and an open door policy.

## Attorney General

Four-year term with no more than two terms in succession. Must be at least 30 years old, a citizen of the United States, and have resided continuously in New Mexico for five years preceding his/her election. Also must be a licensed attorney of the Supreme Court of New Mexico in good standing. The attorney general is the state's legal officer, legal counsel to state government, consumer advocate, and guardian of the public interest. This includes representing the state before courts or agencies when required by the public interest or requested by the governor, and providing legal opinions upon request of the Legislature, any state official, or any district attorney on a pending subject. Annual salary: \$95,000.

### Questions for the Candidates for the Attorney General

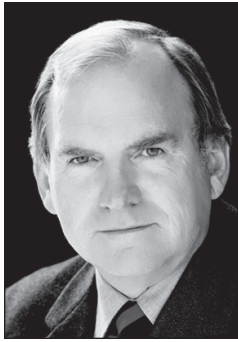
(3 questions, 65 words each question)

1. What are your highest priorities for this office, and how do you intend to accomplish them?
2. With the increasing exposure of unethical behavior in government, what will you do to make public officials more accountable to the general public?
3. What will you do to protect New Mexicans from consumer fraud? What, if any, additional legislation is needed?



# Candidate Responses

## Gary K. King Democrat



1. My highest priority continues to be the protection of New Mexico families. My focus has been and will continue to be prevention of fraud against all citizens, particularly our seniors; education of our young people to make wise choices; apprehension and prosecution of public

corruption and fighting trafficking in drugs, arms and humans across our Southern border.

2. I created and continue to support the AG's Government Accountability Division to investigate and prosecute public officials who violate the public trust. I will also continue to advocate for ethics reform in the Legislature. I will assure that we continue our program of training local officials throughout the state to comply with our Sunshine Laws. Transparency in government is our greatest tool to prevent corruption.

3. I will continue to operate an active Consumer Protection Division to advocate for consumers who have been victims of fraud. We will continue to educate consumers through live presentations, internet and video presentations of new scams. I will continue to fight predatory lending practices through litigation and improvements to our laws. We should limit interest rates, rollovers and unfair tactics by predatory lenders.

## Matthew E. Chandler Republican



1. My highest priorities as Attorney General include putting people above politics, and truly holding public officials accountable when they engage in public corruption. For too long the AG's Office has been used to push a political agenda, while turning a blind eye

to corruption. This year we can change the focus of the AG's Office by replacing a career politician with a focused prosecutor.

2. The AG must protect our tax dollars and retirement funds from corrupt public officials, and stop relying on federal prosecutors and other states attorneys general to do the job. As a prosecutor, I have a proven track record of removing unethical government officials from their offices and into a prison cell. Justice must be swift and stern to end this era of corruption.

3. I believe we must enforce the laws on the books before trying to multiply them. Consumer education will be a vital part of my mission as AG. I believe the best consumer protection is a meaningful, statewide public awareness campaign of consumer rights and common scams. I will ensure that consumer complaints are answered timely, investigated aggressively, and prosecuted diligently to protect all New Mexicans.

## Commissioner of Public Lands

Four-year term with no more than two terms in succession. Must be at least 30 years of age, a United States citizen, and have resided continuously in New Mexico for five years preceding his/her election. The Commissioner of Public Lands takes control, has jurisdiction, care, and custody of all trust lands. He/she administers state trust land to generate the highest possible

level of sustainable revenue for New Mexico's public schools, public institutions of higher learning, and other public institutions. Income from these lands supports state institutions. Annual salary: \$90,000.

## Questions for the Candidates for the Commissioner of Public Lands

(3 questions, 65 words each question)

1. The State Land Office manages approximately 9 million acres of land and the mineral rights on 13 million acres in support of public schools, universities, hospitals, charitable purposes, and penitentiaries. What will you do to be a responsible steward of these resources?
2. How will you evaluate possible land swaps that involve trust lands?
3. What will you do to develop renewable energy resources that could generate additional sources of revenue for the land trust's beneficiaries?

## Ray Powell Democrat



1. The Land Commissioner can sell, lease, or trade the land. Who we pick is critical to our future well-being. As a former Land Commissioner, botanist, and veterinarian, I will: work to create good jobs, particularly to build a new energy economy; protect and

responsibly manage our public lands; generate more money to improve our children's schools; provide ethical and honest leadership.

2. I will guarantee that proposals for land exchanges, long-term leases or sales are discussed in widely announced public meetings held in all counties where land would be involved. I will initiate joint planning agreements with every municipality and county where there is state land. This will ensure that local city and county governments help determine the most appropriate uses of trust land in their communities.

3. I am committed to developing a strong renewable energy economy. Using New Mexico's trust lands we can foster public-private partnerships that create good jobs producing renewable energy and the technologies associated with a restoration economy. With our state's intellectual capital we can lead the world. In my previous tenure as Land Commissioner, I worked with utilities to establish the first wind farms in New Mexico.

## Matthew Rush Republican



1. As an agriculturalist I know first hand how to be a responsible steward of our land. Taking care of our land is a passion of mine. As Commissioner I want to expand the Don't Trash the Trust Program. I will also ensure all groups who lease or have any dealing with our lands

are doing what is right to protect and preserve our land.

2. I understand the importance of land trades and swaps to benefit local communities as well as our state trust. All land swaps will be done by bringing everyone involved in the trade to the table, including local communities impacted by a swap. Land swaps will be of greatest benefit to the

people of New Mexico, not just for the benefits of private interests or corporations.

3. Bringing renewable energy to our state is a must. I currently serve on the New Mexico Plan for Bio Fuels Development Committee. We can bring renewable energy to our state and be a leader in alternative energy production. 95% of the funding to the office comes from the oil and gas industries; we must diversify this funding and alternative energy can be the key.

## The New Mexico Court Of Appeals

## 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. To be eligible to hold the office of Judge of the Court of Appeals, a person must be 35 years old, have practiced law for at least 10 years, and have resided in New Mexico for the last 3 years. As the intermediate appellate court between the district courts and the Supreme Court, the Court of Appeals currently 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. Annual salaries: Chief Judge, \$119,406; Judge, \$117,506.

## Judge of the Court of Appeals Partisan

## Questions for the Candidates for Judge of the Court of Appeals-Partisan

(3 questions, 65 words each question)

1. How have your training, professional experience, and interests prepared you to serve on the New Mexico Court of Appeals?
2. What improvements are needed in the Court of Appeals and how could those improvements be implemented?
3. What ethical practices are critical in keeping the judiciary independent from political influence?

## Position 1: Robert E. Robles Democrat



1. Thirteen years as a lawyer and over seventeen years as a district judge has given me the opportunity to try and hear hundreds of jury and non-jury trials involving civil, criminal, divorce, child custody, juvenile, contract and negligence matters, in addition to appeals from administrative

agencies. Appeals from these cases come to the Court of Appeals where I have served since January 2009. [www.votejudgerobles.com](http://www.votejudgerobles.com)

2. The Court of Appeals receives approximately 1000 cases per year that must be processed quickly and efficiently to ensure prompt resolution for litigants. Therefore, it is essential to appoint and elect experienced, highly qualified judges who do not require on-the-job training and who can expeditiously write thoughtful and effective opinions based on the rule of law.

3. Strict compliance with the Code of Judicial Conduct; abstaining from expressing personal or political viewpoints critical of the law/legal system; being unaware of individual contributors

to judicial campaign fund; abstaining from making statements regarding issues that may come before the Court, which would require recusal for prejudgment; and serving all New Mexicans fairly and honorably without regard to political affiliation.

## Position 1: Ned Fuller Republican



1. I have been an attorney for 17 years. I have been an administrative law judge. I have been married for 22 years and, with my wife, raised 4 wonderful daughters. I volunteer at church, with youth and for the Boy Scouts of America. I understand how the law affects the average

person. We need judges who will apply the law equally to all parties. [www.nedfuller.com](http://www.nedfuller.com)

2. Government in general needs to get back to the basics. The Constitution is what limits government. Thus, the Courts should uphold the Constitution and enforce the rule of law. Judges should use common sense to dismiss frivolous claims and defenses. Once a person is lawfully convicted of a crime, judges should hold the person accountable. Government should serve the people. [www.nedfuller.com](http://www.nedfuller.com)

3. What injects politics into the Courts is when judges rewrite the law instead of apply the law. We need judges who will uphold the Constitution and enforce the rule of law. A judge's role is similar to that of a baseball umpire. The umpire applies the rules fairly to both sides. Likewise, a judge must apply the law fairly to all parties. [www.nedfuller.com](http://www.nedfuller.com)

## Position 2: Linda M. Vanzi Democrat



1. Prior to being appointed to the Court of Appeals in 2008, I served with distinction as a district court judge. That experience combined with my broad legal background as a lawyer, working for large corporations, owning my own business, and being actively involved as a

volunteer have all prepared me to continue the tradition of fairness, equality and intellectual rigor on the appellate court.

2. As the only intermediate appellate court serving the entire state, the Court of Appeals reviews appeals in almost all cases. The court effectively manages a caseload of over 900 cases a year. However, as with most government agencies in New Mexico, the current budget crisis has impacted the court's ability to fill vacant positions. Cases could be decided more expeditiously with a fully staffed court.

3. Judicial independence is critical to our system of democracy and necessary to provide balance in our government. Judicial candidates must promote public confidence by demonstrating that they are free from political influence. This is done by scrupulously following the code of judicial conduct, by having a campaign committee to handle finances, and by never compromising ethics or integrity for the sake of a vote.

## Position 3: Timothy L. Garcia Democrat

1. During my years in private practice, I represented clients in nearly every area of law (including civil, criminal, domestic, administrative



# Candidate Responses



and governmental) and practiced before most of the courts in our region (State, Municipal, Metro, Magistrate, District and Appellate; Federal District and 10th Circuit). This experience was extremely valuable during my seven years as a District Court judge and now on the

Court of Appeals.

2. Resources are very limited and the appellate docket is very demanding. Nearly all of our appellate court budget is allocated to the resource staffing needs for the court. Without additional monies, it will be very difficult to add the needed personnel to improve the services of the court. The budget crunch has had a significant effect on the courts, and other areas of government as well.

3. Public financing of appellate court elections has been implemented to maintain judicial independence. The existing law for public financing needs to be amended to enable candidates to effectively run for these judicial positions. Present restrictions do not allow candidates to have necessary resources to run their campaign until a few months before the election. This should be changed to make public financing universally chosen by judicial candidates.

## State Representative

### Questions for the Candidates for State Representative

(4 questions, 75 words each question)

1. Describe the actions you will take to ensure that redistricting fairly represents our population.
2. What attributes of a new ethics bill would create meaningful reform?
3. What steps will you propose and support to move New Mexico toward increased use of renewable energy sources?
4. How will New Mexico pay for the implementation of the State Insurance Exchange mandated by the Patient Protection and Affordable Health Care Act?

## District 33

### Joni Marie Gutierrez Democrat



1. The only information needed for fair redistricting is population numbers. My goal for fair redistricting provisions is to forbid the use of political affiliation, previous election results, the addresses of incumbents, or any demographic information other

than population. We should include the following objectives; 1. Equal populations in each District. 2. Contiguous and unity of Communities. 3. Proximity and closeness of neighborhoods. 4. Transparent Process. These objectives can be achieved with the mandatory Public input.

2. An ethics Bill should include the following; Election reform- Contribution limits based on type of business/group. Policing and auditing of improper campaign reporting. Contractors that do business with the state of New Mexico should have a set limit that is reasonable (\$250 or less) that they can contribute to candidates.

Candidates and elected officials required to disclose contributions to family members. Non political, non pier committee to review possible violations.

3. Make our State Education appropriations tied to renewable research. If your institution of higher learning offers degrees that create renewable energy degrees, or your school can show a savings using renewable energy sources then you are rewarded with more appropriations. Also, we should offer incentives to companies and households that develop and/or use renewable energy, but as we will go to a more renewable State we will need a sunset rule on these.

4. It's estimated that PPACA will cost New Mexico an estimated 100-200 Million. Impact will not be immediate; however, some possible options are; Insurance Reform, Raise Taxes, Cut Services, Restructure Government We should consider the following; Excise tax on "Cadillac" or basic health care insurance Raise taxes targeted specifically designated for this cost Cut duplicate services Tax Services not currently taxed, corporate tax, out of state contractors Develop laws to save on insurance costs.

### Virginia M. Robertson Republican



1. The reasonable political districts should be contiguous, not possess barriers to travel such as mountain ranges or great distances, not divide major jurisdictions such as counties and municipalities not intentionally favor any political party. They should be drawn

by an independent commission that respects all federal requirements and THE Voting Rights Act. The plans and proceedings should be made public early enough that input and reservations can be recognized and incorporated.

2. The key to ethics reform is transparency and accountability. New Mexicans have a right to know how their elected and appointed officials are conducting the people's business. Limiting the money politicians can accept is not as important as knowing where it comes from and an ethics commission would only add another level of bureaucracy to an overly burdened state government. We need to prosecute the laws currently in place and report activity in real time.

3. It is critical that we move towards increasing our energy independence from foreign sources and fossil fuels. We must increase domestic oil production even as we modernize our energy infrastructure to prepare for a future where we rely upon solar, wind, geothermal, hydropower and nuclear energy sources. I therefore advocate a long-term energy tax credit equally applicable to all renewable power sources to prepare for this future.

4. The State Insurance Exchange assumes that insurance companies will provide basic plans at a reasonable cost, that individuals will find plan terms in the exchanges satisfactory, that individuals and small businesses will want to participate in exchanges and that exchange plans won't end up paying health-care providers less so that they decline to accept exchange plan beneficiaries. New Mexico does not currently have sufficient resources to gamble on the implementation of such a plan.

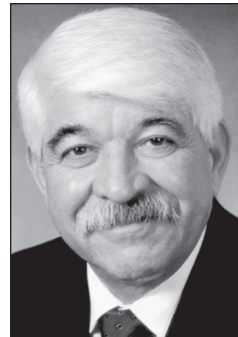
## District 34

### Mary Helen Garcia Democrat

No response received

## District 35

### Antonio Luján Democrat



1. Our community deserves equal representation. It is imperative that we ensure redistricting policies are conducted fairly in order to preclude a recurrence of Sanchez vs. King (1982). I will actively seek appointment to the joint interim Redistricting Committee of 2011.

Additionally, I will follow natural boundaries to avoid gerrymandering, uphold the Voting Rights Act of 1965 that prohibits any discrimination in voting practices and protect the constitutional right of one person, one vote.

2. A new ethics bill should include meaningful campaign finance regulations that limit the amount of campaign contributions from all sources and also establishes mandated limitations on campaign spending. The current regulations and distribution of public funds to candidates for the state judiciary or Public Regulation Commission should be expanded to all candidates.

3. First we need to pass a cap and trade program in New Mexico that encourages companies to participate in the Chicago Climate Exchange. Secondly, we need to expand our tax credits to support the exploration and development of new business industries that produce or promote the use of renewable energy sources.

4. We cannot afford an insurance exchange; however I support an alternative, the Health Security Act. According to a study by Mathematica (2007), an insurance exchange could cost up to \$200 million more. In order to cut costs and meet the goals of the Patient Protection and Affordable Health Care Act, we need to implement the Health Security Act, which would allow us to insure more New Mexicans at a much lower cost to everyone.

## District 36

### Andrew "Andy" Nuñez Democrat

No response received

### Debra L. White Republican



1. The reasonable political districts should be contiguous, possess no barriers to travel ie; mountain ranges or great distances, not divide major jurisdictions such as counties and municipalities, not intentionally favor any political party. Districts should be drawn by an

independent commission that respects all federal requirements and The Voting Rights Act. The plans and proceedings shall be made public in a timely fashion as to allow for input, and reservations can be recognized and incorporated.

2. The key to ethics reform is transparency and accountability. New Mexicans have a right to know how their elected and appointed officials are conducting the people's business. Limiting the money politicians can accept is not as important as knowing from where it comes.

An ethics commission would only add another level of bureaucracy to an overly burdened state government. We must prosecute the laws in place and report activity in real time.

3. It is critical that we move towards increasing our energy independence from foreign sources and fossil fuels. We must increase domestic oil production even as we modernize our energy infrastructure to prepare for a future where we rely on solar, wind, geothermal, hydro power and nuclear energy sources. Therefore, I advocate a long term energy tax credit, equally applicable, to all renewable power sources to prepare for this future.

4. The State Insurance Exchange is assuming that; insurance companies will provide basic plans at an affordable price; individuals will find plans in the exchanges satisfactory; individuals and small businesses will want to participate in exchanges; the plans won't end up paying health-care providers less, causing them to decline to accept exchange plan beneficiaries. New Mexico does not currently have sufficient resources to gamble on the implementation of such a plan

## District 37

### Jeff Steinborn Democrat



1. The first task of redistricting is to make sure the districts are as close in size as possible. Given the explosive growth rate of specific parts of Las Cruces, including District 37, it's important to adjust any new boundary so all residents' interests and infrastructure needs receive the

same attention as districts that are currently much smaller.

2. I have introduced legislation to require that the special interests who lobby the State of New Mexico report all money spent influencing our policy. These spending reports would be available to all New Mexicans with a click of a key on the computer. For the first time, we would all know how much industries and interests are influencing state policy and legislation.

3. I was proud to have voted in favor of requiring our public utilities to use more renewable energy. This is resulting in more solar and wind power being built in New Mexico. Moving forward, it is critical that we enable more transmission infrastructure so we can turn New Mexico into a renewable energy exporter and create many good jobs in the process.

4. It's clear that New Mexico will bear some costs associated with the implementation of the recently passed national health care legislation. To finance the new health care exchange, we must cut wasteful government spending such as high paid political appointees and unneeded boards and commissions. We must ensure we don't raise taxes or cut important services or education.

### Terry H. McMillan Republican



1. My votes with respect to redistricting will be guided by several principles. Redistricting should ensure that voters in every district have a reasonable hope that their votes will be meaningful, and that candidates from either party have a chance of election. "Packed" districting should be

avoided. Redistricting should allow for growth,



# Candidate Responses

and should avoid breaking up communities of interest. Finally, districts should be physically accessible to their prospective representatives.

2. I favor meaningful ethics reform. Transparency, in the form of open public access to the state's financial transactions and the requirement for videotaping of legislative sessions and committee meetings will deter unethical conduct. An ethics commission, granted the power to investigate possible violations, is a good idea so long as its members are not political appointees. They should be appointed by the state supreme court and have no history in New Mexico politics.

3. New Mexico has a natural opportunity to take advantage of the move to renewable energy sources. I would look strongly at tax incentives to support the development of these industries and technologies in our state. I would not, however, impose additional taxation as has been done with other recent venture.

4. This national healthcare legislation will mandate a large expansion of New Mexico's Medicaid program, on the order of several hundred million dollars. Today, we do not have these resources and I see no means of obtaining them in the near future. Higher taxation will produce a dwindling return in this economic climate. Many other states face the same dilemma, and my hope is that this legislation will get a closer look.

## District 52

**Joseph Cervantes**  
Democrat

No response received

## District 53

**Nathan P. Cote**  
Democrat



1. District 53 is diversified demographically and geographically. It encompasses most of the east mesa area west of the Organs, WSMR, southern Alamogordo, and part of Otero County. Redistricting must ensure wide diversification, and politically balanced.

At present time there are many "safe seats" and it appears this may result in less diligence with the responsibilities of a legislature. I will be an active participant with ensuring districts include as much diversification as is geographically possible.

2. We must have oversight that includes a complaint and adjudication process and extensive training for elected officials and others in positions of trust. Anyone convicted of corruption should no longer be eligible for state or local pensions and benefits for life, among other appropriate penalties. An ethics commission will do this, to include a strong training curriculum. We must also reform who and how the role of lobbyists plays in our political process.

3. I will continue to support incentives for small business start-ups in the industry and urge the PRC to take action to ensure utilities purchase energy from renewable sources. One of the problems we have is that many people cannot afford the initial investment in home renewable energy sources, therefore, we must develop programs that will help them through loans, grants, and other programs so they are not left out because they are lower income

4. I understand there will be federal monies

available for some of it, but not all. The cost savings under parts of the bill may also pay for some of the mandates. If the Act requires a larger expenditure on the part of the state, I would push for a reduction of some of the boards and commissions which may now longer be necessary. Also, I am and will be looking at technology for use in government services as employee attrition occurs for further savings

**Ricky L. Little**  
Republican



1. In order to insure that redistricting fairly represents our entire population, an unbiased independent commission should draw the lines according to the "one person, one vote" and the Voting Rights Act criteria. Utilizing geographic and demographic methodology, this

commission should work with officials from the city, county, state, citizens task force and voters to develop plans. The meetings should always be open for public input and encourage participation.

2. In all levels of authority corruption is a problem that requires recognition and criminal consequence. Audit laws should be expanded, audit obstruction outlawed, and state officials prohibited from awarding contracts to state agencies or awarding state property leases. We need to enforce the laws New Mexico currently has in place. Voters should have the right to make political contributions to the candidates of choice but should demand transparency and reports in a timely manner.

3. New Mexico must increase usage of wind, solar, hydropower, and geothermal renewable energy sources to reduce the impact of pollutants and reduce dependency on foreign oil. Tax breaks, credits, and incentives for businesses and industries that are developing renewable energy sources should be given. Oil will be with us for a time while renewable energy sources are developed and New Mexico oil production should increase to supply the needs of our state and possible export.

4. The State Insurance Exchange provides for states that choose not to operate their own Exchange. In these states there will be a multi-state exchange run by the Department of Health and Human Services. This exchange may not provide the patient protection and affordable healthcare that New Mexico needs and we do not have the financial resources to implement this plan.

## Public Regulation Commissioner

**Questions for the Candidates for Public Regulation Commissioner**

(2 questions, 75 words each question)

1. Describe your top three priorities and what actions you will take to accomplish them.
2. What decisions made in the past by the PRC would you change and why?

## District 2

**Stephanie Dubois**  
Democrat

1. One of my priorities will be to be sure that not one dime more is increased that can't be justified.



meetings in District 2.

2. The decision that PNM, after purchasing Texas New Mexico Power could not raise electric rates for five years. Now 5 years has past and PNM is proposing a 21% rate increase phased in over the next two years if approved by PRC. Questions should have been asked as to why was the purchase necessary? And what impact it would have on the paying customers at the end of the five years?

**Patrick H. Lyons**  
Republican



That rate increases proposed are in the best interest of the public and be sure that all interested parties are at the table. I would accomplish this by communication with the voters either by newsletter or town hall meetings, whether or not there is a pending increase. Hold well publicized

1. My top three priorities on the PRC would be to 1) ensure good government with good customer service, friendly attitude, and quick responses to inquiries, 2) insist that all hiring, dismissals and pay adjustments go through PRC commissioners, and 3) insist that all

increases in utility rates & insurance rates go through the PRC commissioner with hearings, including consumer and shareholder input.

2. It is critical that all hearings be held in a timely fashion with consumer and shareholder input to ensure a fair and balanced hearing. Need to have good government with a flat budget.

## District 5

**Bill McCamley**  
Democrat



1. My three priorities are to: -Keep rates low by holding utility and insurance companies accountable and balancing their needs with families, businesses, schools, and governments. I will ask hard questions, and not be afraid to say no to big corporations. -Create

jobs by developing alternative energy resources and cutting bureaucracy. -Improve ethics at the PRC by instituting new barriers between Commissioners/Staff and regulated interests, while strengthening ethics education programs.

2. I would: -Make the rate increase process fairer by evening out resources between large corporations and the public. Right now corporations have a huge advantage over the public in these cases. -Establish video webcasting, have more meetings in affected communities, and require corporate documents be understandable by the average public to increase transparency. -NOT do anything that would end up with me in court like current and previous Commissioners.

**Ben Hall**  
Republican

No response received

## District Judge, 3rd Judicial District

**Questions for the Candidates for District Judge**

(2 questions, 75 words each question)

1. Describe the major administrative challenges in the Third Judicial District.
2. Describe your qualifications for this office.

**Manuel I. Arrieta**  
Democrat



1. The District's caseload has 68% civil cases and 32% criminal and juvenile cases. We need 3.75 additional judges. In a time of fiscal restraint, more needs to be done with less. With the civil caseload rising faster than the criminal caseload, additional resources to mediate

cases should be a priority. The court has been without a CEO for 7 months and one should be hired. The self-represented clinic should be expanded for civil litigants.

2. 27 years experience in civil field with 1 1/2 years as a sitting judge. Experience in: appeals, personal injury, domestic relations, civil rights, real estate, contracts, administrative law, probate, governmental liability and other civil areas. Practiced before all district courts in southern New Mexico, federal district court, municipal and magistrate courts, including administrative courts. New Mexico Court of Appeals clerk, partner in two major law firms. Volunteer hearing member for the State Disciplinary Board.

**Richard B. Wellborn**  
Republican



1. Because courts exist to serve the needs of the community, and because the community's needs evolve over time, courts must be able to adapt the services they provide in order to meet those needs. To accomplish this, judges must be qualified to provide the most diverse range

of services possible. If you want your court to provide services in both civil and criminal cases, vote for the candidate experienced in managing civil and criminal cases.

2. I've been practicing law for fifteen years, managing many types of civil and criminal cases, from child custody, divorce, personal injury and contract cases, to DWI, rape, robbery and murder. From private practice to public service, as a prosecutor and a public defender, I've served and understand diverse clients and communities. I am the ONLY candidate qualified to address the problems our courts face in managing both civil and criminal cases.



# Candidate Responses

## Public Education Commission, District 7

### Questions for the Candidate for Public Education Commissioner

(2 questions, 75 words each question)

1. Describe your accomplishments during your past four-year term.
2. What are the three major issues for education in light of the New Mexico budget deficit?

**Eugene Gant**  
Democrat

No response received

## Magistrate Judge

### Questions for the Candidates for Magistrate Judge

(2 questions, 75 words each question)

1. Describe your qualifications for this office.
2. Describe the major issues facing the Magistrate Court.

## Division 1

**Oscar C. Fietze**  
Democrat



1. Magistrate Judge since 1990; ongoing, continuing interdisciplinary education, which includes participation and successful completion of the: National Judicial College, Reno, Nevada; Annual NM Judicial Education Center Magistrate Training Conferences

in Albuquerque, NM; National and NM Adult Drug Court training conferences in Las Vegas, Nev., Seattle, Wash., Newport Beach, Calif., and Albuquerque, NM; founded and implemented the nation's first DWI Drug Court Program; NMSP Officer for 21 years; NMSU Graduate, Bachelor of Arts.

2. The judiciary has experienced budgetary cuts, which have had significant, negative effects on our court. As the possibility of employee furloughs looms, we are also in desperate need of more clerks and judges to enable the court to adequately keep up with the pace of the increasing number of case filings. Conversely, a newly created Division VI judge will help alleviate the current judges' heavy caseload.

## Division 2

**Conrad F. Perea**  
Democrat

1. My qualifications for this office come from my vast experience in serving as a Magistrate for the State of New Mexico as both a Magistrate and a Magistrate Pro Tempore for several years. I attended the University of Denver, Sturm College of Law and have been a licensed attorney in NM for more than five years. I have volunteered in our Magistrate Court system for over 500 hours



in 2010 serving as a judge.

2. The major issue in the Doña Ana County Magistrate Court is the large and ever growing caseload. With more than 35,000 cases filed per year countywide it is imperative that our staff and judges be efficient and hard working. I will fulfill

this need and I will provide current training regarding case decisions and review of laws that will enable the court to meet its mission of serving the citizens of our county.

## Division 3

**Olivia N. Garcia**  
Democrat



1. Magistrate Judge and Probate Judge for 17 years. Chairperson, New Mexico Probate Judge's Assn. Trained at the National Judicial College, Reno, NV. Trained in DWI, Domestic Violence, Civil Procedure, along w/general court jurisdiction. Hands-on experience. The only woman on the bench

bringing balance to the court. Successful business person in the community for the past 51 years.

2. Courts face a serious crisis due to budget reductions. It is difficult to keep the courts current and getting the defendants to court in a timely manner. The high volume of cases filed and shortage of judges and staff makes disposition critical. Magistrate Court is a "people's court" dealing in misdemeanor offenses and should remain as such.

**Gary T. Sperling**  
Republican



1. I have over 24 years experience in business education, management and law enforcement background. 14 years in L.E., 10 years Assistant/Associate Dean at the Criminal Justice program at Golden West College. I have been teaching at D.A.C.C. for the

past 6 years providing advanced instructions for the L.E. programs. I will bring honesty integrity and accountability along with experience to the people of Doña Ana County delivering a "Firm but Fair" outlook.

2. I would like to ensure better public relations with the administration staff and the judges. We must work together as a team to promote professionalism in the magistrate courts. I will bring a thorough understanding of the understanding of the courts structure and issues into courtroom. I will work closely with the other judges to work with the L.E. agencies to reduce overtime and courtroom appearances. I will bring professionalism into my courtroom.

## Division 4

**Richard L. Silva**  
Democrat

1. Magistrate Judge, 6 years, Elected &

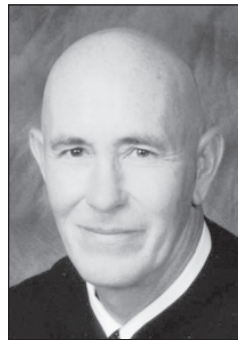


Masters Degree, ED. Mgmt & Dev., New Mexico State University. Bachelors Degree, Sociology, California State University, LA. Associate Degree, Public Admin. Los Angeles Community College, Retired, Education Admin. New Mexico State University, 30 years.

2. The workload in our court is very heavy... over 32,000 cases per year. Even with the additional sixth judge to added in January, we remain short on judges and support staff. The state judiciary budget remains tight with no immediate relief for the near future. The new, much needed, Magistrate Court Building, is a tremendous improvement on staff morale and more efficient services to the community.

## Division 5

**Kent L. Wingenroth**  
Democrat



1. I have thirty two years experience applying the law and working with the public in the Court System. I attended York College and studied Criminal Justice for 2 years. I served as a Police Officer in both the US Army and the New Mexico State Police.

As the current Magistrate Judge I have handled over twenty eight thousand cases in the past 4 years and have received training from the National Judicial College.

2. At eighty percent staffed the Courts issue is financial, lack of funds prohibit being fully staffed. Magistrate Court is working great under such constraints, serving those who come to the Court in an efficient and timely manner. Also the possible temporary closing of the, Anthony Magistrate Court would put a burden on the citizens of Doña Ana County, that office serves approximately six thousand cases a year.

## Division 6

**Jose L. Cano**  
Democrat



1. I have over 22 years of law enforcement experience, all with the Las Cruces Police Department. Earned over 1,700 hours of advanced training in various disciplines. Speak in English & Spanish. Co-Chair of the DWI Planning Council. Former Drug

Court Advisor. Worked with strong integrity & distinction in the LCPD Internal Affairs Unit. I am honest, fair and truly understand Police Officers and the Public. I know the meaning of Justice.

2. One of the bigger issues facing the Magistrate Court is that of a continuously growing caseload.

Re-Elected, 2005-2010. Attended The National Judicial College, University of Nevada, Reno, Enrolled in annual training conferences with UNM-Judicial Education Center. Trained in many judicial education seminars, web-based courses, and meetings.

Often times, Justice has to wait as the Judges are each navigating through really heavy caseloads. In addition, there is a shortage of Judges in the Doña Ana County Magistrate Courts, which does not help the caseload issue. My strong understanding of the law and of the courts will help alleviate some of the issues.

**Roy Storment**  
Republican



1. With over twenty years of law enforcement experience at 3 levels of government - city, county and state - combined with my BS degree from NMSU, I am the best prepared candidate to bring strong leadership, ethics and expertise to the magistrate court.

As Doña Ana County Sheriff, I modernized the sheriff's department in order to better serve the people, and it's with this experience in mind that I will work to improve the magistrate court.

2. The magistrate court is the "people's court" where citizens can find justice in areas such as civil cases, traffic citations and various other misdemeanor issues. Judicial misconduct is preventing the court from meeting this mission. We need to elect ethical individuals who respect the honor of the position. The court also needs to provide better service for citizens in the outlying areas of the county. This will ensure that justice is delivered for the people.

## County Commissioner

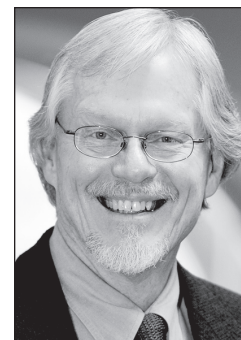
### Questions for the Candidates for County Commissioner

(4 questions, 75 words each question)

1. What are your solutions to make the County budget solvent?
2. What issues have you identified from your attendance at County Commission meetings? How would address them?
3. How will you improve conditions in the Colonias?
4. Describe your qualifications for this office.

## District 1

**Billy G. Garrett**  
Democrat



1. Get more out of existing funds. Restructure the budget so expenditures are tied to goals and measurable results. Fund staffing, projects and capital outlays in priority order based on formal cost/benefit analysis of alternatives. Generate additional funds through grants,

user fees, and voter approved mil levies (such as for flood control). Cut costs by streamlining processes and reducing redundancies. Work with our legislative delegation to get help with unfunded mandates and unmet needs.

2. Rapid growth and depressed income levels are linked to every county issue: from water management to public service delivery. Broad, integrated strategies are needed. I will push to



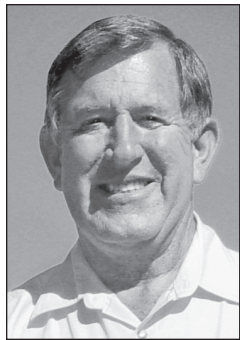
# Candidate Responses

update the county? Comprehensive Plan using smart Growth principles and strong community involvement. I will also expand economic development efforts and advocate for active involvement in implementation of new health initiatives so the county will be better able to provide health services for all residents.

3. A combination of substandard conditions and high levels of poverty characterize all colonias. I would build on the current multi-faceted approach to addressing these conditions: seeking funds from a variety of sources (NMFA, HUD, DOT, CDF, etc.), encouraging partnerships with other governmental entities and NGOs, involving residents. I would also support efforts aimed at getting people into good jobs and would encourage consideration of the colonias Transformation Strategy as a development guide.

4. My qualifications are grounded in family heritage and personal experience. I'm a third generation New Mexican who grew up in Doña Ana County. I've managed organizations with multi-million dollar budgets, hundreds of employees, and responsibility for a range of public services and facilities. I've overseen large infrastructure programs, developed business opportunities, addressed sensitive environmental issues, planned viable communities, and worked with people holding diverse views -- all activities expected of county commissioners.

## John L. Zimmerman Republican



1. Increase of sales tax is last resort. Review by department to eliminate nice to have items. Freeze hiring for vacancies occurring from normal attrition, and filling only those which affect public safety directly should be an option taken by the county manager. Hold departmental

budgets to last year's budgets where possible. Basically all options should be on the table to match Revenues with Expenditures.

2. Several issues jump out, namely the 911 Call Center, Police and Fire protection, flooding, and an out dated Master Plan. None of these issues have a simple answer and they won't go away by ignoring them. Revenues aren't available to fix most of these, but updating our Master Plan can be done, and exploring self help avenues might help fill some of the gaps.

3. There are federal and state programs which budget funds for improving Colonias. Some of these funds require matching dollars and some do not. As a county commissioner, I would encourage prioritizing needs based upon funding available and encourage having a list of needs ready to be submitted when any additional sources are identified or become available. The list should be separated into cost categories which can be completed in a minimum amount of time.

4. As a Task Leader and Test Project Engineer in 32 years of federal service, I prepared, submitted and managed multi-million dollar budgets and test programs. During a 42 year career in the Navy, 25 years was spent as a commissioned officer in which I held six reserve commands as the commanding officer, amassing over 13 years of command experience. My management and engineering experience from two separate careers amounts to over 74 years.

## District 3

### Karen G. Perez Democrat

1. The County has developed a strategic plan that includes operational cost savings,



increasing fees for service, minimizing outsourcing, and potentially proposing small tax increases for vital projects, such as a regional dispatch. The County has contracted with an outside agency to assess the efficiency of the organization and has implemented many of the recommendations. The finance department is currently developing three year financial projections to allow for phased implementation and analysis of these budget strategies.

2. I have identified many issues not only from County Commission attendance but through active participation in multiple committees and Boards. The first is to revise and implement key County policies that affect growth. We are currently revising the subdivision standards, the Vision 2040 plan, and Resolution 05-22 for road adoption. We need to develop and protect water resources, both surface and groundwater by improving County infrastructure, managing stormwater, and active participating in regional planning efforts.

3. I work in Colonias frequently. Professionally, I am working to develop water and wastewater services. On the County side I am working to establish a regulatory framework that will curb the development abuses that have allowed these areas to be built. In addition to supporting practical programs that address infrastructure, social welfare, and economic development, I am working with legislators on real estate contract reform that will protect residents who purchase land in the County.

4. I have served the County as the District 3 Commissioner for four years and I would like an opportunity to finish important initiatives in my District. Regional projects have gained momentum and I do not want to lose ground. I am a Civil Engineer with 17 years experience in infrastructure development. I am a homeowner, 20-year resident of the County, a wife and parent. I feel I represent a broad cross-section of the community.

### Elvin K. Vickers Republican



1. The budget should not be balanced by using the county cash reserves fund. This is not a sound fiscal policy. Balancing the budget is one of the primary responsibilities of the commission, and they should meet monthly with the county manager and county budget manager in

a working session to monitor the amount of shortfall in the revenues versus expenses and make adjustments as needed to ensure that the reserves are not impacted negatively.

2. There appears to be misunderstandings between the commissioners and the county administration. Often there are questions by the commissioners on basic practices and procedures followed by the managers, which indicate a lack of understanding on the part of the commissioners on the operation of the county administration. The commissioners need to be thoroughly briefed on how all the departments of the administration operate and how to communicate more effectively with them.

3. The colonias often lack basic infrastructure because they were created informally and the occupants are often living in substandard housing with very limited incomes. Financial

resources from outside the colonias of all levels of government and most private sources are not currently readily available. When financial conditions improve, the potential leaders in these communities should pursue new revenue sources through business development and grant requests that will eventually enable the infrastructure issues to be addressed.

4. I have spent my career in both the private sector and public service as a leader. That experience and expertise is what I will utilize full time if elected to the position of District 3 County Commissioner. I believe my experience as a leader and manager in several for profit and not for profit organizations provides significant qualification for this important role in making the process both transparent and responsive to the public interest.

## County Assessor

### Questions for the Candidates for County Assessor

(2 questions, 75 words each question)

1. Describe your qualifications for this office.
2. Describe your top three priorities and what actions you will take to accomplish them.

### Andy Segovia Democrat



1. Describe your qualifications for this office: I have been employed in assessment for twelve years, three of which were in Bernalillo County. As Chief Deputy Assessor, I am a State Certified Appraiser and belong to the Association of Counties and the Assessor's Affiliate;

I have been effective in educating our residents and providing fair and equitable assessments. Experience matters and my work history demonstrates my ability to serve the public and to implement the regulations which govern the County Assessor.

2. My top three priorities are: 1) To continue to provide excellent customer service and education to all residents of Doña Ana County 2) To provide fair and equitable assessments and to be a leader in refining and developing statewide regulation in property assessment which affects all taxpayers. 3) To continue to pursue state-of-the-art technology and provide new resources for the purpose of property research and appraisal to the residents of Doña Ana County.

### Tyson W. Murphy Republican



1. As a licensed mortgage originator, I have operated a mortgage company for the last 7 years. Property value is vital to the mortgage process. Daily I evaluate appraisals and property assessments for my customers. Previously, I managed manufactured home dealerships for 8 years.

I have held leadership roles in various civic and service organizations, including chairman of the Mayor's Top Teens. My management experience, community involvement and leadership make me the most qualified candidate.

2. My top 3 priorities are: Raise the standard

of customer service. I will accomplish this with support, training, and improved tools. Second, advocate fair tax policy for our County in Santa Fe and with Legislators through direct communication. Third, improve education and communication with the community regarding tax assessment, protest, and exemptions. Community outreach is the best method for informing the public. I possess the knowledge, experience and ability to accomplish these priorities..

## County Sheriff

### Questions for the Candidates for County Sheriff

(3 questions, 75 words each question)

1. As a candidate for this office, describe the problems and issues of the Sheriff's department and how you would solve them.
2. What steps will you take to improve law enforcement crisis intervention?
3. Describe your qualifications for this office.

### Juan R. Stewart Democrat



1. As a candidate for Sheriff, one of the issues that I will work to improve on and eventually solve is a lack of Community Oriented Policing, due to a lack of manpower. I believe that Grant monies, which I will push to receive, will aid in allowing other funding to be utilized in other areas;

such as more deputies, reinstating educational programs and better equipping and utilizing current divisions.

2. The steps that I will take to improve law enforcement crisis intervention are; to put more deputies in the field who are well trained, professional and are upholding the core values of the department, reinstating programs that educate the community and the department about issues facing Doña Ana that might lead to a crisis and, effectively using and improving the current programs already in place to educate such as G.R.E.A.T and D.A.R.E.

3. My qualifications for this office are that I am a Certified Level Three Hostage Negotiator, I currently serve as the President of the Police Officer's Association, I am a National Trustee for the Fraternal Order of Police, I have been an active volunteer in the community, which I feel has allowed me to better know the people of the county and have also served as a police officer for the past 31 years.

### Todd Garrison Republican



1. Resources: Working with the county to identify priorities for public safety, seeking grant and outside funding sources to better supply our community and officers. Better communications. Morale and Employee Retention: Financial security is important but not everything.

We must hold ourselves accountable to the highest standards of honesty and ethics, dedicated to excellence in service, committed to impartial and equal treatment with compassion and respect, pride in our department. Training: On task, cost effective.



# Candidate Responses

2. Through Integrity, Professionalism and Fairness I will work to improve the quality of life in this community, as a responsible role model dedicated to developing and maintaining partnerships, upholding the law, protecting life and property, providing a safe environment and ensuring The Constitutional Rights of all.

3. I began law enforcement in 1985 with LCPD as an officer later developing the SWAT Team and running the Academy and Advanced Training Departments. From 1999 to 2005 I worked for The Department of Transportation, as an officer and later as Sergeant. In 2005 selected by County Commissioners and appointed Sheriff. In 2006 I was Voted Sheriff of DA County and I am currently leading a department of more than 200 employees.

## Zackary Jack Edward Kershaw Democrat Write-in



1. The issues of the Sheriff's department are the issues of the community. We're facing a growing gang problem in the county that threatens the quality of life of all our residents and the futures of our youths. We need to understand that this is an issue of culture, and it'll take

a concerted effort based on more than just law enforcement to begin to attack the problem at its source, not just treat its symptoms.

2. Recent events in our community that have led to deaths following confrontations with the police have highlighted the need for improved crisis intervention. In our state, the Albuquerque Police Department has had tremendous success with a program based on a concept first introduced in Memphis. Benefiting from their experience, I will work to implement a Crisis Intervention Team that will provide thorough training to all personnel that may find themselves in dangerous, volatile situations.

3. I will bring a fresh pair of eyes to the Sheriff's department. I won't hesitate to utilize innovative and non-traditional methods if they seem to offer improved results. As an outsider to the current department, I will not be bound by entrenched orthodoxies, which will allow me to lead it beyond the confines of mere law enforcement, and shape it into a force that will actively improve our community for the benefit of all.

## County Probate Judge

### Questions for the Candidates for County Probate Judge

(1 question, 75 words)

1. As a candidate for this office, describe your responsibilities and your qualifications for the office.

## Alice M. Salcido Democrat



1. My five years of experience as the current Probate Judge has prepared me to continue providing prompt and efficient service to all residents of the County. I have a Bachelor's degree and a Master's degree from NMSU and over 36 years of public

service experience. I have conducted numerous community seminars on the Probate process and have started the project to create electronic probate records so the data can be accessible online.

## Patrick J. Curran Republican



1. Of all our courts, the probate one is the least known or understood. When I am elected, I plan to change that by informing the citizens of this country about the purpose of Probate and how this court may assist them. I think I am well qualified for this position by both education and

training. My Ph.D. is in Administrative Leadership and I have served as Magistrate full time eight years and pro tem for another eight years.

## Judicial Offices

Vacancies for courts in New Mexico are filled through appointment by the governor from a slate of potential nominees submitted by a judicial nominating committee. The newly appointed judge must then run in a contested, partisan election at the next general election. Thereafter, the judge runs in nonpartisan retention elections for set terms. 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% yes vote out of all the votes cast on the question of whether the justice or judge should remain in office.

## The New Mexico Supreme Court

### 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. 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 3 years. The Supreme Court 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. Annual salaries: Chief Justice, \$125,691; Justice, \$123,691.

## Justice of the Supreme Court Retention

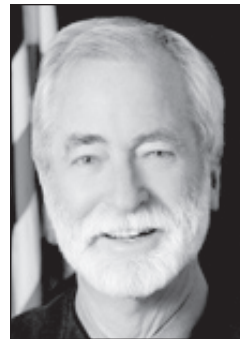
### Questions for the Candidates for Justice of the Supreme Court-Retention

(3 questions, 65 words each question)

1. What attributes and experience do you bring to your service as a current New Mexico Supreme Court Justice?

2. Given your experience as a current Justice of the New Mexico Supreme Court, what programs or changes will you implement to improve the Supreme Court system?
3. From your perspective as a current Justice, what ethical practices are critical in keeping the judiciary independent from political influence?

## Charles W. Daniels



1. I have had 38 years of a broad range of experience as a trial lawyer, a law professor, a teacher of judges and lawyers, and an author of legal publications. In life, I have had equally diverse experiences, including military service, employment in a number of jobs since I was 13, including

manual labor, and I am a husband, a father, and a grandfather.

2. I want to bring our courts into the 21st century with electronically created and accessed records. I am also forming a task force to study bail procedures, to better protect the community, to assure the presence of the accused, and to honor constitutional rights. We must do better in accomplishing these goals, and it is time for a fresh look at how we can do so.

3. Our courts must always be independent of improper political and personal influences. Judges must be strong to resist efforts of those who would try to exercise those influences. Judges should be careful to avoid involvement in partisan political activities and should make sure that neither their words nor deeds will create the impression that they are politically biased. True justice has no political party label.

## Petra J. Maes



1. My 37 years of legal experience includes: eight years as a trial attorney; seventeen years as a district court judge serving in the Criminal, Civil, Family and Children's Court divisions; and twelve years as a justice. I have served in leadership positions in both

courts as: Chief Judge and Chief Justice. I raised four children as a single parent after my husband's death. I am a grandmother.

2. Overseeing automation for the entire judiciary to improve our courts ability to access records and data and as response to budget cuts. Continue as co-chair of the New Mexico Commission on Access to Justice, which is a comprehensive effort to improve access to the Courts for low income New Mexicans, making equal access to justice more than a slogan but a core function of courts.

3. To preserve the integrity and independence of the judiciary, judges must be able to explain their decisions on the basis of the law and the application of the facts to the law. To maintain public confidence, judges shall not allow family, social, political or other relationships to influence the judge's judicial conduct or judgment. The judge's only constituency is the law.

## Judge of the Court of Appeals Retention

### Questions for the Candidates

## for Judge of the Court of Appeals-Retention

(3 questions, 65 words each question)

1. What attributes and experience do you bring to your service as a current Judge of the Court of Appeals?
2. Given your experience as a Judge of the Court of Appeals, what improvements are needed in the Court of Appeals and how could those improvements be implemented?
3. What ethical practices are critical in keeping the judiciary independent from political influences?

## Michael D. Bustamante



1. I have 36 years of professional experience: 20 years in a broad private practice and 16 years on the Court of Appeals deciding all manner of civil and criminal matters. My personal attributes include intellectual curiosity, industry (I have worked since age 10), good writing

skills and good humor. I retain and nurture my 400-year-old roots in New Mexico.

2. An intermediate appellate court's primary task involves review for error. Our decisions must be made quickly while giving cases the attention they merit. We are streamlining our administrative processes for processing case records, legal research, and writing using electronic technologies as much as possible. As chair of the judiciary's information technology committee, I am working to install e-filing technology at all court levels.

3. Without entirely ceding their First Amendment Rights, judges must be careful to avoid involvement in partisan politics, including publicly speaking for or against candidates for political office and contributing more than nominal amounts for campaigns. Even the perception of political bias is potential poison to the faith and trust of the citizenry in the judiciary's ability to render fair and impartial justice.

## Celia Foy Castillo



1. I have 29 years of legal experience, almost 10 years on the Court of Appeals and 19 years primarily in private practice. I serve on several court committees and am chair of the budget committee. Before law, I worked in education and was a teacher. I am bilingual, am a hard

worker, look at both sides of an issue, and believe in equal justice for all.

2. The court of Appeals considers cases from all over New Mexico. We are working on increasing the use of technology to make the appellate system more understandable to the public and more accessible to the litigants. We are also dealing with budget challenges and are focusing on ways to continue providing quality work and service despite a severe cut in funding.

3. The Code of Judicial Conduct limits political participation by judges. Code provisions must be followed and enforced. Even the appearance of improper political influence can affect confidence in the judiciary, and thus participation in partisan politics may be even more limited than set forth in the Code. Judges must conduct themselves at all times in an unbiased and impartial manner.



# Amendments & Bonds

## Proposed Constitutional Amendments

On November 2, 2010, 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 2009 and 2010 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 the New Mexico Legislature’s website: <http://www.nmlegis.gov/lcs/reports.aspx>. 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 9, Section 14 of the Constitution of New Mexico to permit the establishment of a college scholarship program for New Mexico military war veterans.

### Brief Analysis

Constitutional Amendment No. 1 would create a new exception to the “anti-donation clause” to allow the state to establish a veterans’ college scholarship program for military war veterans of conflicts that began after August 1, 1990. The scholarship would exempt those veterans from payment of tuition and would be administered in a similar manner as the scholarship for Vietnam conflict veterans. In order to be eligible for the scholarship, military war veterans must exhaust all educational benefits offered by the United States Department of Defense or the United States Department of Veterans Affairs, have been honorably discharged, have been a resident of New Mexico at the original time of enlisting, or have lived in New Mexico for 10 years, and awarded a campaign medal for service after August 1, 1990.

#### Arguments For

1. Currently the constitution allows the state to establish a scholarship program only for Vietnam veterans. The anti-donation clause prohibits other veterans from receiving that scholarship.
2. State institutions already provide statutorily or constitutionally created scholarships, grants, and loan-for-service programs to many other groups. Veterans who served in a conflict after 1990 are equally deserving of a scholarship program at state institutions.
3. Supplementing existing federal educational programs and providing veterans the opportunity to start and finish their education at any time will provide additional opportunities to veterans, help them earn a higher income, establish a more educated work force, and attract economic development to New Mexico.
4. The residency requirement in this proposed amendment is identical to the residency requirement for those veterans of the Vietnam conflict who might be seeking a scholarship. That long-standing residency requirement has not been challenged, and there is no reason to believe that it will be.

#### Arguments Against

1. The amendment might invite a potentially disruptive legal challenge. Establishing a residency requirement for veterans to receive a scholarship is not an acceptable basis on which to grant or deny state benefits. The U. S. Supreme Court has prohibited similar restrictions on benefits offered to veterans, citing violations of the equal protection

and the right-to-travel protection clauses of the United States Constitution.

2. The exclusion of veterans who served in conflicts between 1975 and 1990 might violate the equal protection clauses of the federal and state constitutions.

3. While veterans have served their country and are deserving of honor and support, a change to the anti-donation clause will enrich only this one specific group.

4. If the state voluntarily provides educational benefits to veterans, this will only encourage the federal government to shift more of its responsibilities to the state.

5. It is irresponsible to add to the state’s financial problems by approving another unfunded program that will result in increased tuition for other students or increased taxes for New Mexico residents.

## Constitutional Amendment No. 2

A joint resolution proposing to amend Article 10, Section 2 of the Constitution of New Mexico to allow county officials to serve three consecutive terms instead of two.

### Brief Analysis

Constitutional Amendment No. 2 proposes to amend Article 10, Section 2 of the Constitution of New Mexico to allow county officials to serve three consecutive terms instead of two.

#### Arguments For

1. This amendment strikes a balance between those who want to ensure that a county officer will not take advantage of incumbency and those who recognize the value of having public officers who are experienced and knowledgeable. There still would be term limits, but officials who earn the support of the voters will be allowed the chance to run for and serve in office for one additional term before being barred from holding county office for a two-year period.

2. The pool of eligible and capable individuals within a county, especially in New Mexico’s many low-population counties, is often quite small. Term limits artificially limit the choice of available and qualified candidates for elective office. Incompetent or corrupt officeholders may always be voted out.

3. County governments in New Mexico have the oldest and most restrictive term limits in the United States, according to the National Association of Counties. County officials must be permitted to gain and use the expertise that three consecutive terms afford.

4. Unelected officials, such as long-time career bureaucrats, gain power when elected officials leave office after only two terms.

#### Arguments Against

1. The proposed amendment makes no distinction between large and small counties, and it does not recognize the wisdom in preventing public officers from taking advantage of incumbency.
2. Longer terms of service allow official and special interests to become more entrenched.
3. Extending the current limit to 12 years would not provide any more time to gain experience, but would limit the ability of those with new ideas and energy to compete against officeholders who can use the advantage of incumbency to defeat most newcomers.

## Constitutional Amendment No. 3

A joint resolution proposing an amendment to Article 7, Section 1 of the Constitution of New Mexico to modernize language on qualified electors by removing language denigrating persons with developmental disabilities, adopting federal requirements to vote, defining mental incapacity for voting purposes and restricting felons from voting except as restored by statute.

### Brief Analysis

Constitutional Amendment No. 3 proposes

to change several provisions that control who may vote in New Mexico elections. The proposed amendment to Article 7, Section 1 would:

1. Replace the language regarding the right to vote of persons over 21 years of age with the federal constitutional standard, which guarantees the right of United States citizens who are 18 years of age or older to vote.

2. Remove the durational residency requirements, which are already effectively preempted by federal law, and authorize the legislature to determine those requirements in accordance with federal law.

3. Replace the provision that guarantees New Mexico residents the right to vote in all elections for public officers with a provision that guarantees the right to vote to persons who are United States citizens and otherwise qualified to vote under federal law, subject to residency and registration requirements enacted by the legislature.

4. Allow the legislature to determine if convicted felons will be able to vote or not, regardless of whether the convicted felons have served the entirety of their sentences.

5. Guarantee that qualified electors will be eligible to vote in all elections in New Mexico rather than just elections for public officers, which presumably would prohibit voter eligibility restrictions based on property ownership or other restrictions currently in effect for some special district elections.

6. Remove the constitutional restriction on “idiots” and “insane persons,” but allow the legislature to restrict citizens from voting by reason of mental incapacity, which is limited to “persons who are unable to mark their ballot and who are concurrently also unable to communicate their voter preference.”

#### Arguments For

1. The right of citizens over the age of 18 to vote is established by the 26th Amendment to the United States Constitution, and the imposition of durational residency requirements is limited by federal law. New Mexico already complies with federal law governing voting rights. Eliminating provisions in Article 7, Section 1 that conflict with federal requirements will bring the Constitution of New Mexico into accord with federal law and New Mexico statutes.

2. Despite a title that indicates the opposite, the proposed amendment eliminates the current constitutional provision that prohibits voting by convicted felons who have not been restored to political rights. Removing this prohibition will allow the legislature to decide whether to extend the right to vote to some of the most disenfranchised citizens of the state, while maintaining the flexibility to limit the right of felons to vote if the legislature deems it appropriate.

3. In addition to the other proposed changes, this amendment would replace “idiots” and “insane persons” with “mental incapacity”, defined as persons who cannot mark a ballot and are unable to communicate their voting preference.

#### Arguments Against

1. The amendment invites a potentially disruptive legal challenge because the ballot title does not accurately reflect the language and provisions contained in the body of this amendment. The ballot language can lure voters to cast their votes based on the provision to remove language denigrating persons with developmental disabilities, rather than on all of the provisions.

2. This proposed amendment forces a voter to accept more than one proposal or none at all, rather than having the choice of voting on each proposal separately. Combining two independent provisions in the same piece of legislation is prohibited by the New Mexico Constitution.

3. Limitations on the power of the legislature to determine who may or may not vote should remain part of the constitution. Constitutional Amendment No. 3 gives the legislature too much power to determine the eligible electorate.

4. The amendment defines mental incapacities as physical limitations. It is not wise to entirely

remove the state’s ability to pass legislation that disqualifies persons from voting on grounds of mental unsuitability. Denying persons with severe mental deficiency or dementia the right to vote is good public policy.

## Constitutional Amendment No. 4

A joint resolution proposing an amendment to Article 8 of the Constitution of New Mexico to provide a property tax exemption for property of a veterans’ organization chartered by the United States Congress.

### Brief Analysis

Constitutional Amendment No. 4 would add a new section to exempt from taxation the property of a veterans organization chartered by the U.S. Congress and used primarily for veterans and their families.

#### Arguments For

1. Property belonging to churches and charitable organizations is not taxed. Therefore, the property of veterans’ associations, which are also charitable organizations, should not be taxed. Since state courts have not allowed veterans’ organizations tax-exempt status under current exemptions for charitable organizations, the constitutional amendment is necessary to provide the property tax exemption.

2. This amendment ensures that only legitimate veterans’ organizations chartered by the U.S. Congress will receive the property tax exemption. Because the burden to prove eligibility is on the organization, resources spent by the state to verify eligibility will be minimal.

3. While providing important tax relief to organizations benefiting our veterans, exempting the few congressionally chartered veterans’ organizations in the state will have a minimal fiscal impact. According to the Veterans Services Department, there are 175 veterans organizations in New Mexico.

#### Arguments Against

1. Veterans already receive several specific tax benefits provided by the Constitution of New Mexico and the Property Tax Code.

2. The proposed property tax exemption would reduce the net taxable value of property in the state and have the effect of raising property tax rates for all other taxpayers. It is not wise public policy to raise property taxes on everyone else in the state during a national recession in order to exempt social clubs.

3. The activities of the veterans’ organizations benefit the membership of the organization and not the general public. Moreover, the property tax exemption would not benefit individual veterans directly.

4. This amendment ignores the many groups with organizations of their own that have made sacrifices, such as schoolteachers, firefighters, police officers and other public servants. Providing benefits for veterans is a federal responsibility, and the state should not relieve the federal government of that responsibility.

## Constitutional Amendment No. 5

A joint resolution proposing an amendment to Article 4, Section 28 of the Constitution of New Mexico to allow the appointment of certain former members of the legislature to civil offices in the state in a limited situation.

### Brief Analysis

Constitutional Amendment No. 5 would allow a member of the legislature to be appointed to a civil office during the term of the legislature for which the member was elected, in limited situations. A member of the legislature may be appointed to civil office if that member resigns from the legislature prior to the appointment and if the civil office was not created, nor the salary for the position increased, during the term from



# Amendments & Bonds

which that member resigned.

## Arguments For

1. Legislators gain a great deal of knowledge about how state government works. Vacancies in other branches of government might be difficult to fill because of the scarcity of relevant expertise, especially in states with a small population such as New Mexico.

2. This exception to the current prohibition on the appointment of legislators to civil office during their terms of office still protects the public against self-dealing politicians.

3. State lawmakers are unpaid citizen legislators whose only compensation is per diem and mileage for their service. Current law does not allow a legislator to resign to accept an appointive position, paid or unpaid, in any civil office. This proposed amendment recognizes that the legislator, after resigning, should not be barred from a position in government.

## Arguments Against

1. Prohibiting a legislator from resigning in order to be appointed to civil office prevents the possibility of undue influence over the legislator by the appointing official. Because it is very difficult to prove such conduct, the state's constitution makes certain the temptation to provide legislative favors in exchange for appointment to a civil office is eliminated.

2. Although the prohibition on appointing a legislator to a civil office during the term for which the legislator is elected has been in the state constitution since its adoption in 1912, the appearance of corruption in the appointive process still could threaten the integrity of the executive or legislative branches of government.

3. The amendment allows a select few individuals to become, in effect, "power brokers" with a "corner" on the influence and privileges of political office. If legislators are allowed to resign and then be appointed to civil offices, an appointing official may appoint a legislator in order to influence the outcome of legislation.

## General Obligation Bonds

### 2010 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 property taxation. According to the Board of Finance Division of the Department of Finance and Administration, the specific amount of property taxes collected in a given year is attributable to a number of factors, including the amount of debt service required for existing general obligation bonds, the projected debt service required for the new bond issue, the latest assessed valuation of net taxable property, cash balances in bond debt service accounts, the date of issuance, and the actual interest rate obtained on the bond sale.

Based on the assumption that all four bond issues will be passed by voters, the property tax year 2010 mill levy has been set to 1.53 mills, which is higher than the 2009 rate of 1.15 mills. The State Board of Finance estimates that over a ten-year period, the four bonds on the ballot will increase

annual property tax bills by an average of \$11.26 per \$100,000 of asset value. Of that \$11.26, Bond A accounts for \$0.50, Bond B accounts for \$0.45, Bond C accounts for \$0.33, and Bond D accounts for \$9.98.

### 2010 Capital Projects General Obligation Bond Act

The 2010 New Mexico Legislature passed the 2010 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.

All of the four 2010 bond issues ask for voter approval to issue general obligation bonds as follows: Bond Issue A, in an amount not to exceed \$7,790,320, to make capital expenditures for senior citizen facility improvements, construction, and equipment acquisition projects; Bond Issue B, in an amount not to exceed \$7,082,110, to make capital expenditures for academic, public school, tribal, and public library acquisitions; Bond Issue C, in an amount not to exceed \$5,100,000, to make capital expenditures for pre-kindergarten classrooms and facilities at public schools and for public school books and instructional materials; and Bond Issue D, in an amount not to exceed \$155,567,824, to make capital expenditures for certain higher educational and special schools capital improvements and acquisitions. The total for all four questions, including bond issuance costs, is \$175,540,254. A complete breakdown of the designated projects under each bond issue can be found on the New Mexico Legislature's website: <http://www.nmlegis.gov/Sessions/10%20Special/final/SB0001.pdf>

### Bond Issue A Senior Citizen Facility Improvements

Shall the state be authorized to issue general obligation bonds in an amount not to exceed seven million seven hundred ninety thousand three hundred twenty dollars (\$7,790,320) 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 A will fund 93 senior citizen facility projects in 27 New Mexico counties, including the Navajo Nation and pueblos, as follows: Bernalillo County, six projects totaling \$2,518,000; Catron County, two projects totaling \$39,500; Chaves County, two projects totaling \$252,600; Cibola County, two projects totaling \$36,100; Colfax County, two projects totaling \$32,500; Curry County, one project for \$5,200; De Baca County, one project for \$9,200; **Doña Ana County, two projects totaling \$253,500\***; Eddy County, two projects totaling \$128,300; Grant County, three projects totaling \$142,400; Guadalupe County, one project for \$51,000; Lea County, three projects totaling \$12,100; Lincoln County, four projects totaling \$86,500; Los Alamos County, one project for \$89,000; McKinley County, ten projects totaling \$820,700; Mora County, one project for \$17,500; Otero County, one project for \$42,000; Quay County, three projects totaling \$35,300; Rio Arriba County, eight projects totaling \$400,800; San Juan County, six projects totaling \$219,100; Sandoval County, twelve projects totaling \$866,800; Santa Fe County, seven projects totaling \$196,700; Sierra County, two projects totaling \$136,300; Socorro County, three projects totaling \$263,500; Taos County, four projects totaling \$542,300; Union County, three projects totaling \$203,100; and Valencia County, one project for \$300,000. These 93 projects include designing, constructing, equipping, and furnishing of 9 new senior centers.

**\*Munson Senior Center, Las Cruces:** \$178,500 to make improvements for building code compliance, including purchase and installation of equipment

**Mesilla Park Senior Center, Las Cruces:** \$75,000 to make improvements for building code compliance, including purchase and installation of equipment

More information can be found at: <http://nmlegis.gov/Sessions/10%20Special/final/SB0001.pdf>

### Bond Issue B Library Acquisitions

Shall the state be authorized to issue general obligation bonds in an amount not to exceed seven million eighty-two thousand one hundred ten dollars (\$7,082,110) to make capital expenditures for academic, public school, tribal and public 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 B.

**Cultural Affairs Department:** \$2 million to acquire library books, equipment, and library resources for public libraries statewide, and \$1 million for supplemental library resource acquisitions, including books and equipment, and for planning, designing, and constructing capital improvements for tribal libraries statewide.

**Higher Education Department:** \$2 million to acquire library books, equipment, and resources for academic libraries statewide.

**Public Education Department:** \$2 million to acquire library books, equipment, and resources for public libraries statewide.

### Bond Issue C Public Schools

Shall the state be authorized to issue general obligation bonds in an amount not to exceed five million one hundred thousand dollars (\$5,100,000) to make capital expenditures for pre-kindergarten classrooms and facilities at public schools and for public school books and instructional materials 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 Public School Projects to be Funded:** The following projects have been specifically designated for funding by the sale of Bond Issue C.

**Public Education Department:** \$2 million for renovation and construction of pre-kindergarten classrooms and facilities at public schools statewide; \$2 million to purchase school books and instructional materials statewide; \$500,000 to purchase school buses statewide; and \$500,000 for student count equipment in school buses statewide.

### Bond Issue D Higher Education and Special Schools Improvement and Acquisition

The 2010 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 fifty-five million five hundred sixty-seven thousand eight hundred twenty-four dollars (\$155,567,824) 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 D.

**Eastern New Mexico State University:** \$4 million to construct and improve the physical plant complex, including purchasing and installing a modular building at the Roswell branch campus; \$500,000 for renovations and infrastructure improvements, including energy efficiency and campus safety, at the Ruidoso branch campus; \$7 million for renovations and infrastructure improvements, including the razing of closed facilities, at ENMU in Portales.

**Higher Education Department:** \$16 million to renovate the Jeanette Stromberg hall at Central New Mexico Community College in Albuquerque; \$1 million to renovate the former allied health facilities for use as computer labs and classrooms at Clovis Community College in Clovis; \$2 million to plan, design, and construct a facility for the renewable energy program and to purchase and install equipment for the school of trades and technology at San Juan College, San Juan County; \$5 million to renovate the vocational education complex at Luna Community College, Las Vegas; and \$1 million for infrastructure improvements at Santa Fe Community College, Santa Fe County.

**New Mexico Highlands:** \$7 million to renovate and equip the historic Trolley building at New Mexico Highlands University, Las Vegas.

**New Mexico Institute of Mining and Technology:** \$12 million to design, equip, and furnish phase 1 of the geology facility at New Mexico Tech.

**New Mexico State University:** \$1,750,000 for infrastructure renovation and improvements at the Grants branch campus, Cibola County; \$18 million to renovate/construct and equip the Hershel Zohn theater and Branson library to house the institute for public policy at NMSU, Las Cruces; \$5,650,000 to design, construct, and equip an addition to the Gadsden center at the Dona Ana Community College branch, Dona Ana County; \$1,250,000 for infrastructure renovation at the Carlsbad branch campus, Eddy County; \$1,750,000 for infrastructure renovation at the Alamogordo branch campus, Otero County.

**New Mexico School for the Deaf:** \$3 million to coordinate with the public school facilities authority for fire suppression and improvements to comply with the Americans with Disabilities Act of 1990, and other renovations to address critical deficiencies at the New Mexico School for the Deaf, Santa Fe.

**University of New Mexico:** \$3,800,000 to renovate/construct and equip the biology building at UNM; \$12 million to demolish the old facility and construct an outpatient services building at Carrie Tingley Hospital, UNM; \$10 million to construct and furnish Reibsomer Hall, the chemistry building, at UNM; \$4 million to construct a new collaborative teaching and learning building for the College of Education, UNM; \$10 million for construction and furnishing of the Health Science Education Interdisciplinary Building, UNM; \$750,000 to renovate and equip science labs, classrooms, and storage space, Los Alamos branch campus; \$1,400,000 for improvements to the Zollinger Library, Gallup branch campus; and \$2 million to construct and equip phase I of the research center and learning library, Taos branch campus.

**Western New Mexico University:** \$5,500,000 for infrastructure improvements, including renovating the McCray Arts Building, Silver City.

**Indian Affairs Department:** \$1 million for improvements and security enhancements at Southwestern Indian Polytechnic Institute, Albuquerque; \$2 million to construct a regional wellness center for the Santa Fe Indian School, Santa Fe County; \$750,000 to construct the science technology and sculpture foundry buildings at the Institute of American Indian Arts, San Fe County; and \$1,500,000 to construct and improve general classroom facilities at Navajo Technical College, Crownpoint.