

LEAGUE OF WOMEN VOTERS OF NEW MEXICO

Board of Directors Meeting

October 18, 2008 – 12:30-5:30 p.m.

New Mexico Institute of Mining and Technology
Skeen Library, Don Trip Conference Room 212

Members present: Johnnie Aldrich, Bonnie Burn, Katherine Campbell, Chris Chandler, Diane Goldfarb, Cheryl Haaker, Jody Larson, Lora Lucero, Richard Mason, Linda Moscarella

Absent: Diane Albert, Cathy Mathews

Off Board Participants: Marnie Leverett, Dee Watkins

Guests: Judy Binder, Mary Wilson, president, LWVUS

Call to Order: President Campbell called the meeting to order at 12:25 P.M.

Approval of Agenda: No changes

Electronic Meeting Minutes July 13-19, 2008: Minutes will be filed as submitted. Kudos to Jennice Fishburn and the job she did with the State *Voters' Guide*. The editorial Board of *The Santa Fe New Mexican* reversed its support of Constitutional Amendment #4, to consolidate School Board and non-partisan elections, based on the information presented in the League's *Voters' Guide*, and recognized the State League for its excellent analysis.

Treasurer's Reports: The treasurer's report was reviewed. A question arose about deposits of education funds into the Wells Fargo Bank and Checking accounts. This occurs when members-at-large pay dues and make a contribution in the same check. Is there a corresponding check from the League's checking account to Wells Fargo education fund to reflect a transfer of education fund donations?

Membership Report: Aldrich distributed a report of total League membership as of October 15, 2008. Total state membership stands at 657, down 4 from January 31, 2008 when membership was recorded at 653. CNM is currently renewing membership and the total number is expected to go up.

President's Report: LWVNM cosponsored two presentations by Oxfam America on the impact of climate change in the U.S. and Africa, one in Santa Fe and one in Albuquerque. The Rocky Mountain Youth Corps, a part of AmeriCorps, invited League to speak. Linda Moscarella attended and fielded questions about voting, and gave other non-partisan information about the election process. Members of this group were age 18-25. Kathy Campbell was invited to become a member of the steering committee of Count Every Vote New Mexico (CEVNM), a project organized by Common Cause. During the discussion of Count Every Vote, Mason suggested that absentee ballot envelopes carry pre-paid postage. In his opinion, making the voter add postage, \$1, is equivalent to a poll tax. LWVUS is sponsoring a Public Advocacy for Voter Protection Project (PAVP) training session, December 5-7, in Washington, DC. Begun three years ago, the PAVP Project was extended this year to include the state of Arizona, Colorado, and New Mexico. Lora Lucero and Linda Moscarella will attend. All expenses are paid by national.

Note: The League of Women Voters Education Fund's Public Advocacy for Voter Protection Project has been created to help bolster the League's capacity for continuing and expanding its critical state-based advocacy in order to prevent the disenfranchisement of eligible citizens, particularly underserved populations.

Old Business:

1. **Fair Representation Study:** Cheryl Haaker distributed a schedule of consensus unit meetings to be held with local Leagues and the latest copy of consensus questions for board approval. Clarification and changes to the consensus questions were discussed.

Motion: Mason moved that the consensus questions be approved with the suggested changes. Aldrich seconded. Motion carried.

Since redistricting will be an important issue as the 2010 census nears, Lucero volunteered to help with communication about the study. A discussion arose around educating the public. The unit meetings will focus on arriving at member consensus, a process that does not involve the public. The proposed consensus position will be brought to the Board at its January meeting for approval, and to Convention for final confirmation. Once the position is approved by the Board, advocacy action may be taken as legislative issues arise, and this is the time when the public needs to be involved.

2. Water Study: Campbell reported about the water study. CDs of the June 19 Forum at Los Alamos on water were distributed to each local League for sharing with members. A Study Guide is being developed and will be available in several months. Consensus questions were not ready for this Board meeting nor will there be a position ready for confirmation at the Convention. The committee continues to meet with Land and Water Committee in Santa Fe, and a white paper will be published by that group. At the Convention, Barbara Calef, chair, will ask to have study extended into a third year.

Lucero asked about lobbying legislators about domestic wells during the 2009 Legislative Session. That may be a problematic in that the League's current position may not cover that issue.

New Business:

1. Action Committee:

League Day: Everything seems to be set. Mason reported that Desert Inn quoted \$59/day for accommodations. Watkins will confirm this rate. League Table at the Round House was confirmed. The speakers are not entirely fixed. ACLU is covering at least four of the issues in which the League is interested. Board members agreed that Diane Wood from ACLU should be one of the invited speakers.

Action: CNM board and perhaps others need to be added to lwvNMtopics listserv. Cheryl Haaker will follow up on this.

TIDD Reform Legislation: Lucero reported on her efforts on behalf of the League with coalition groups supporting TIDD Reform. A packet of information was distributed to members, who were asked to review the documents. One of the documents shows that the legislators approved \$52 million for the next 25 years for two developments, Mesa del Sol and SunCal. To support reform on this issue, it appears that the LWVUS position on Urban Policy, presented in *Impact on Issues 2006-2008*, will have to be used. Lucero will contact LWVUS, Christine Vamvas, 202-263-1328, to gain approval to use national's Urban Policy position. It was suggested that a LWVNM Study of TIDDS might be a recommended study item for the 2009-11 Program.

A question was raised about whether the groups (names included in the information packet) supporting TIDD reform were a coalition, and whether representation by the League meets the League's policy criteria for joining coalition. Lucero assured board members that the groups supporting this reform are not a formal organization.

Note: During October, CNM Unit Meetings dealt with this issue..

Others requiring board input? During the 2009 Legislative session perhaps some environmental legislation will be proposed. Legislative priorities for State attention will be set in November at the Action Committee teleconference. There is some interest among members of the CNM League about how state sets budgets and how state finance works.

2. Updating Voters Key: By general agreement, the *Voters Key* will be reproduced after the November General Election—goal is to have copies available for League Day, February 3. Education funds pay for printing. Christine Little or Jennice Fishburn were suggested as potential editors. Forms for

League membership may be included in the Voters Key; however, these should be treated as ads and paid for by transferring operating funds to education funds.

3. Budget, Bylaws, and Nominating Committee: Budget committee needs one member from each local League. There are inconsistencies in the bylaws that need to be fixed. Committees will be appointed at January 10 Board meeting. Names of members who may serve on the Committees should be sent to Kathy Campbell as soon as they are identified.

Nominating Committee consists of five people: three elected members, Marnie Leverett (GLC), chair, Jan Bray (CNM) and Becky Shankland (LA), plus two members from the Board. Leverett suggested that the two board members should be from local Leagues not represented by the current members, which would be: Santa Fe and another from CNM because of the size of the League.
Motion: Chandler moved that Jody Larsen (Santa Fe) and Lora Lucero (CNM) be appointed to the Nominating Committee. Aldrich seconded, and motion carried.

Other reports and La Palabra, Fall Issue

Local League Reports: were presented and copies of the full report are attached.

La Palabra: The deadline is October 18 but will be extended until Monday. Contents include those shown on Attachment 2 of the Agenda Packet.

These articles will be deferred to the Winter Issue (deadline December 10)

- Health Security Act article will go into the Winter Issue. Campbell will contact the author to have details fleshed out in the article.
- League Day Information

Coalitions: Death penalty is carrying on a quiet, under the radar campaign. \$250,000 has come into New Mexico as a targeted state that could be the next to abolish the penalty. More than half of the donation came from the European Union. Education of the public and a poll that hopefully will support abolition are the current focus of the coalition.

Health Care: Health Action New Mexico has a new executive director, Roxane Spruce Bly. She is pursuing talks with Health Security Act advocates that could result in more cooperation between the two organizations. Efforts to ensure that the State continues to fund existing programs. Ms. Bly is working with other groups to reveal barriers to enrollment. There efforts will result in a comprehensive report. The results of the current November General Election may change the focus of establishing a health care program from the state to the federal level.

Legal Issues

Requiring non-profits to register as Public Action Committees (PACs): Campbell reported on a lawsuit by Robinson, et al., that questions whether non-profits are PACs. This results from a targeted, score-card campaign by a non-profit that may have cost Robinson his bid for election. One of the results of the lawsuit could be that non-profits would have to publish the names of their contributors. 501(c)3s are able to publish score cards on candidates running for office up to a certain amount of time before the election. The League is watching this law suit to learn if it will be affected by the results. Also, the League needs to watch for reaction from the legislators that may result in retaliatory legislation affecting non-profits during the 2009 Legislative Session. The legislative objective may be to get the non-profits to operate under the same rules as the legislators. It is questionable if the League is involved with this, but there was a suggestion that state alert national about this development.

Lawsuit on interpreting hand tallied ballot markings: Common Cause has asked the State League to be the main plaintiff in a law suit about marking of hand tallied ballots. Mary Wilson, president,

LWVUS, with Kathy Campbell made a presentation so that Board members could reach a decision about going forward with the law suit.

The Problem stems from the NM statute on how a hand tallied ballot must be marked. Paper ballots that are hand tallied will be marked per instructions on the ballot that include: (a) filling the oval, (b) check in the oval, (c) circle candidate's name, or (d) requires unanimity among the precinct and election judges of the absentee unit that the marking conveys the voter's intention. Secretary of State (SOS) and Representative Jeff Steinborn, asked the Attorney General if section (d) complies with the Help America Vote Act (HAVA). Attorney General King stated that section (d), under *Gore v. Harris*, is unconstitutional.

Secretary of State can give guidance or standards about how presiding judges could interpret the markings. Secretary of State Herrera was asked for her interpretation. She only instructed that the vote be counted if (a) the circle is completely filled in, (b) x in the oval, (c) check, or (d) name circled. A plus (+) sign, hash mark (/), circles around the bubble or arrows pointed toward the bubble or the name of the candidate are not acceptable.

Concern about marking is relevant to the absentee ballot, which is hand tallied and perhaps the provisional ballot. At the polls, if the vote tabulator rejects the ballot because it is completed incorrectly, the voter may indicate he/she does not have time to complete a new ballot. Bernalillo County used a Democrat and Republican at the Absentee Precinct Unit, acting as presiding judge and election judge, to agree on voter intent for questionable ballots. The current Attorney General ruling could disenfranchise between 500 and 1,000 voters. The SOS guidelines might disenfranchise some additional voters.

John Boyd, a civil rights attorney who has recently added voter issues to his focus, is proposing that the League of Women Voters of New Mexico file a law suit. The suit that could result is a writ of mandamus—a government official did not have any discretion to do something; therefore, if they haven't done it, we are going to make them do it—would go directly to Supreme Court. Perhaps the SOS would welcome the Supreme Court telling her what to do. Having the case heard in the Supreme Court would result in a quick decision rather than a drawn out decisions. Several issues are involved: (1) Is there a "standing," particular interest in this issue, and (2) Is the issue of "Great Public Importance Standard" met that allows a suit to be brought before anyone has been harmed. The Supreme Court could take the view that the League is an appropriate organization to bring this kind of case.

It was suggested that a League delegation arrange to talk with the Secretary of State—Kathy Campbell, has already scheduled a meeting with Secretary Herrera on Monday, October 20. Jody Larson and Cheryl Haaker will accompany her

In other information: the John Boyd conversation was held on October 15. Tim O'Brien and Lloyd Leonard, LWVUS, called Kathy Campbell regarding this issue. The Obama campaign office called O'Brien and Leonard about the case. The Obama campaign workers argued that law suits are not needed at this time when the General Election is only two weeks away. The thought was not to scare people away from voting or give them a distaste for voting. This resulted in Wilson writing to Boyd to ask where the Presidential campaigns stood on this issue. This additional information raised a question about postponing the law suit until after the November General Election. The general feeling among board members was that having the suit after the election might be colored by how close the outcome of the election was.

If League takes this on, LWVNM should be the group to be the **sole spokesperson** about the case. All legal work would be pro bono. Common Cause will raise any funding that is needed.

There was general support for a suit before the election, if the League is going to pursue this. There was concern about bringing frivolous suits, about the accuracy of the number of voters that may be disenfranchised (500-1,000), and that Common Cause is not listed as the plaintiff. A feeling of caution was expressed by several members—there is a suspicion about “being used.” However, protecting the voter is a major role of the League.

Motion: Aldrich moved that a decision about going forward with a law suit be postponed until Campbell meets with the Secretary of State and that Campbell be the sole spokesperson if a suit is brought. Communications with Common Cause and John Boyd will be postponed until after the meeting with Secretary Herrera. Campbell will communicate with the Board after her meeting with the Secretary of State.

Lucero Second, and motion passed unanimously.

Strategic Plan Update/Progress

Draft Op-Ed Piece: Communications committee has not come together. Communications Committee did not do publicity about a candidates’ forum among the candidates for U.S. Senate because the forum never materialized. LWVUS Leader’s Update had a template for a letter to the editor about voting for use at the local level. Kathy Campbell will receive information about local newspapers from Lucero and send the letter to the newspapers.

Visibility/Communication: Lucero has spoken several times throughout the meeting about League visibility. Moscarella had nothing more to add.

Announcements:

ACLU November Town Halls: Campbell distributed a schedule of events that ACLU will sponsor on issues of interest to the League.

Winter *La Palabra* deadline is December 10, and will involve League Day at the Legislature.

January 10 meeting will be in Albuquerque and Goldfarb will follow up and schedule a meeting room.

Smart Growth Conference in Albuquerque in January. Lucero announced the 8th Annual New Partners for Smart Growth Meeting, January 22-24, 2009, Albuquerque, and invited League participation. An announcement will be made in *La Palabra*, Fall Issue

Next Board Meeting:

Saturday, January 10, 2009, 10 a.m. – 3 p.m.

Courtyards at Cutler Club House, 2403 San Mateo NE, Albuquerque

Adjournment: Adjourned at 5:00 p.m.

Submitted by

Bonnie Burn
Secretary

Attachment:

- Local League President’s Reports