

## State Positions with History

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## A Note on Program History

*This document includes the League's positions as well as the history of the origin of each position and, in some cases, how each position has been used in advocacy over the years. This information has been sourced from historical documents where available and from League members who participated in studies and/or Board decisions. Where available, the author (in italics and parens) and/or date of the history information are included. This document is intended to be a resource for members as to how and why positions were developed and how they may be used.*

## SUSTAINABILITY (Adopted 2007)

**The League of Women Voters of New Mexico believes that potential impacts on sustainability should be considered in formulating new positions and in advocating using current positions. Sustainability is defined as meeting the needs of the current generation without impairing the ability of future generations to meet their own needs.**

### *History:*

At its May 2005 convention, LWVNM accepted a proposal for a two-year study to formulate a state position on sustainability. During the first year, local Leagues considered whether such a position might have value. A series of four articles were published in La Palabra in 2005, entitled:

1. Does LWVNM need a new state position on sustainability?
2. Sustainability: Living within our (renewable) means
3. Sustainability requires an economic paradigm shift
4. Sustainable democracies

At the end of the first year (spring 2006), the League concluded that it was worthwhile to proceed with the second year of the study. The consensus questions developed in the second year of the study were:

1. Sustainability is defined as "meeting the needs of the current generation while not impairing the ability of future generations to meet their own needs." Should League support for any position or action be conditioned on its impact on sustainability?
2. Do LWVNM members believe that active, educated citizen participation in a democratically organized system of governance is essential for sustainability?
3. Do LWVNM members believe that state economic policies and public finance should be more closely tied to the natural resource base of the economy?
4. Do LWVNM members believe that social policies should equip all members of society to participate in and contribute to a sustainable society?

Consensus was reached only on the first of these questions, leading to the position adopted in 2009. The other issues were too complex to be resolved satisfactorily.

Recognizing that the concept of sustainability applies to more than natural resources, the position was placed in its own category (*i.e.*, not in one of the categories of Government, Natural Resources, or Social Policy).

Because of its importance, it is placed first in LWVNM Positions and Program History. In 2011 the League voted to place this position first among all the positions in view of its overarching importance.

*Kathy Campbell (through 2007)*

## **CIVIL ENGAGEMENT/CIVIL DISCOURSE** (Adopted 2019)

**The League of Women Voters of New Mexico promotes civil discourse through action and education for all government bodies, staff, and citizens for the purpose of improved public policy decisions and processes. Civil discourse means, at a minimum, mutually respectful, courteous, constructive, and orderly communication.**

### ***History:***

The 2019 Convention adopted this new position, proposed by Hannah Burling (LWVSFC), through concurrence with LWV San Luis Obispo County. Several other Leagues have similar positions.

LWV San Luis Obispo County Position on Civil Discourse: *Promote civil discourse through action and education for all government bodies, staff, and citizens for the purpose of improved public policy decisions and processes. Civil discourse means, at a minimum, mutually respectful, courteous, constructive, and orderly communication.*

*Chris Furlanetto (2019)*

## **GOVERNMENT** (Revised 2019)

### **Administration of Justice** (Adopted 1962; revised 1987, 2015, 2017, 2019)

**The League of Women Voters of New Mexico supports a unified court system, adequately financed, with centralized administration and fiscal control achieved through:**

#### **Selection of Judges** (Revised 2015, 2019)

**Judges of the New Mexico state courts, *i.e.* Supreme Court, Courts of Appeal, District Courts, and Metropolitan Courts should be appointed by the governor from a screened list submitted by a non-partisan nominating commission and only be subject, at intervals, to non-partisan election for retention or rejection.**

### ***History:***

Changes to the previous text were proposed by Suzanne Ronneau (LWVSFC) and adopted by the 2019 Convention delegates. Wording changes included replacing 'higher courts' by 'state courts' and specifying exactly which courts are included in this position. Metropolitan Courts were added to the existing list, *i.e.*, Supreme Court, Courts of Appeal, and District Courts. Other wording changes were the addition of 'only' before 'subject', and 'non-partisan' before 'election.'

The 2019 Convention delegates also adopted a 2-year Judicial Selection study which is expected to develop a position regarding qualifications and selection of judges of lower courts, *i.e.*, Magistrate, Municipal and Probate Courts.

*Chris Furlanetto (2019)*

**Funding** (Revised 2015)

**The League believes that the justice system must be adequately funded in order to carry out its goals. Funding of specialized programs for offenders, including behavioral health (*i.e.* mental health and substance abuse treatment), is essential. The League supports sufficient funding to guarantee humane prison conditions and to provide programs and services that offer the opportunity for self-improvement. The League believes that state funding should be provided for alternatives to incarceration.**

**There must be adequate personnel for all courts.**

**Alternatives to Incarceration**

**The League supports the expansion of prevention and treatment programs to ease the burden on the criminal justice system.**

**The League supports development of alternatives to incarceration through community-based programs with emphasis on diversion and reintegration into the community. These programs should be separate from correctional facilities. The League supports alternative or therapeutic courts and pre-trial diversion programs. The community must be educated regarding these alternatives.**

**The League opposes mandatory minimum sentences for drug offenses. In general, alternatives to imprisonment should be explored and utilized, taking into consideration the circumstances and nature of the crime.**

**Legal Aid**

**The League supports an adequately funded government-supported public defender program that provides legal aid to those unable to pay.**

**Death Penalty** (Adopted 2006)

**The League of Women Voters of New Mexico supports the repeal of the death penalty and the institution of a sentence of life in prison without parole as an alternative.**

**If the death penalty is reinstated, LWVNM supports the implementation of the recommendations in the Final Report of the State Bar of New Mexico Task Force to Study the Administration of the Death Penalty in New Mexico (January 2004) including:**

- 1. adequate defense funding for capital cases;**
- 2. a comprehensive proportionality study, including the development of a complete database of homicide prosecutions in New Mexico;**
- 3. higher standards for defense counsel at all stages of the proceedings;**
- 4. allowing opponents of the death penalty to serve on the jury for the first trial (to determine guilt or innocence) in a capital case.**

***History:***

In 2005 LWV Los Alamos proposed, and the LWVNM Convention adopted, a one-year study of the death penalty. The rationale for the short time period was that the research had been done and statistical evidence was readily available. A study guide and bibliography were prepared and made available to the members.

Between September 2005 and January 2006 the eight League units in the state met to discuss the consensus questions. Due to the controversial nature of the questions and poor attendance at some of the meetings, many of the local Leagues subsequently sent out questionnaires to their members. With the additional input, the resource committee was able to conclude that there was consensus in favor of repealing the death penalty so long as it was replaced by a sentence of life in prison without parole.

The LWVNM board approved the proposed position in March, 2006 and recommended adopting concurrence with the LWVIL position at the 2006 LWVUS Convention. During the 2007 legislative session the Action Committee lobbied unsuccessfully for passage of HB 190, which would have abolished the death penalty in New Mexico. However, in 2009 a similar bill passed both houses of the Legislature. When Governor Richardson said he was undecided about signing the bill, many groups, including the League, made appointments to speak to him personally. He signed the bill on March 18, 2009.

Since 2009 there have been several attempts to reinstate the death penalty in New Mexico; these have been opposed by the League.

*Barbara Calef*

### **Juvenile Justice**

**LWVNM believes that the system should provide:**

- 1. trained and qualified judges, police, probation personnel, lawyers, providers, appointed advocates and others in the juvenile justice system;**
- 2. local forensic diagnostic and/or evaluation services;**
- 3. treatment programs to meet identified needs;**
- 4. due process and legal representation at all stages of the child's contact with the law;**
- 5. provision of legal and safe detention accommodations for all juveniles in custody;**
- 6. monitoring of substitute care through Citizens Review Boards and Court Appointed Special Advocates;**
- 7. education for all youth in the juvenile justice system.**

### ***History (for the overall Administration of Justice (formerly Judiciary) position):***

In 1959, in response to interest aroused by the 1955-59 review of state governmental functions, the LWVNM convention adopted a two-year study, "An Examination of the Judiciary System in New Mexico." This study coincided with the formation, by the 1959 Legislature, of the State Judicial System Study Committee, which was to study the entire court system and recommend needed legislation. The State Judicial System Study Committee had resulted from an interim committee study of the Justice of the Peace courts. These courts had been the subject of many complaints about individuals untrained in the law imposing fines which appeared arbitrary.

In 1961 the League Convention voted to continue the study of the judiciary for an additional two years, and added two areas: 1) qualifications for and selection of court personnel, and 2) effective administration and supervision of courts.

In November 1962, the present position was approved, including a statement calling for qualified personnel, provisions for training justices of the peace, adequate personnel for juvenile courts, an office of court administrator and financing through a state court fund.

From 1965 to 1967, as a result of the work of the Legislative State Judicial System Study Committee, some

reforms were achieved through constitutional amendments and legislation. On September 28, 1965, the voters approved amendments providing for a Court of Appeals.

Amendments adopted by the voters on November 8, 1966 provided for the establishment of magistrate courts and for that court system to replace justices of the peace within five years; also passed was an amendment that provided for all fees collected by the judicial department to be paid into the state treasury. In November 1967 an amendment was passed providing for a Judicial Standards Commission. The Commission was established in 1968.

The League continued its support for a unified court system which would apply not only to matters of jurisdiction but to administration as well. The League also continued working for a system of selection rather than election of judges for the higher courts. Judges would be appointed by the governor from a screened list submitted by a non-partisan nominating commission and would be subject, at intervals, to election for retention or rejection. This method of selection would attract the most conscientious and expert, rather than emphasize the individual's ability to win elections.

In 1982 the New Mexico Legislature approved a constitutional amendment to set up a system of merit selection for judges. The amendment was defeated in November.

The 1987 LWVNM Convention dropped several items in the original position. The statement on the training of justices of the peace was dropped because the state Legislature had phased out the justice of the peace system in favor of magistrate courts. Another item on the development of the office of court administrator had been accomplished. The item on financing through a state court fund was dropped because the funding system had been changed by the state Legislature. The Convention also added to the position the short explanation of the American Bar Association Plan for selection of judges.

In November 1988 a constitutional amendment for judicial reform was approved by the voters. This amendment increased the number of State Supreme Court Justices to five and increased the qualifications for holding that office. The amendment also increased qualifications for the judges on the Court of Appeals and for judges on the District Courts. The retention/rejection system of elections was put in place and nominating commissions were established for the Appellate, District and Metropolitan Courts.

In 1991, the LWVNM Government Chair served on the Judicial Performance Evaluation Committee established by the State Supreme Court to devise a method for evaluating the performance of judges, how to inform them of their evaluation and how to inform the public about their performance before elections. LWVNM continues to lobby to keep judicial reforms from being weakened.

The 2015 Convention delegates created a new Juvenile Justice section by moving text from Children and Families. The statements concerning adequate personnel and funding for all courts were also adopted at the 2015 Convention. Outdated language about the advisory judicial council was removed.

The 2017 Convention delegates voted to change the overall heading of this section from Judiciary to Administration of Justice. This change was proposed by Judy Williams (LWVSFC).

Other 2017 changes included wording changes to reflect current practice and concurrences with LWVIL and LWVCA. Additional wording changes to make language re alternative treatment and courts apply to adults as well as to juveniles. And, the Death Penalty section was moved here from Social Policy.

*Chris Furlanetto (2019 for 2015-2019 additions)*

## **Apportionment and Redistricting** (Adopted 2009; revised 2013)

**LWVNM supports a redistricting process and standards that provide the people with a meaningful choice in electing their representatives and facilitate holding government accountable.**

**The criteria for preparing redistricting maps should require that districts meet all Federal criteria including equal population and the provisions of the Voting Rights Act. In addition, it is important that districts:**

- 1. be contiguous;**
- 2. be reasonably compact, in terms of travel time from one part of the district to another;**
- 3. avoid crossing geographic barriers to travel, such as mountain ranges;**
- 4. minimize the partition of major jurisdictions (counties, municipalities) to the extent possible;**
- 5. not intentionally favor any political party.**

**The League supports having an independent commission or other independent group develop redistricting plans meeting these criteria.**

**The public must have access to all information used in the redistricting process on a timely basis and have the opportunity to comment and be heard on the proposed redistricting processes, criteria, and results.**

### ***History:***

In 1955, LWVNM adopted this position: "Support for mandatory and automatic reapportionment of the Legislature after each federal census, with provision for a commission, the Governor, or the Supreme Court to reapportion if the Legislature fails to act." This position resulted from a study begun in 1953 when representation was fixed by the Constitution with no provision for change as population changed. In 1955 the voters approved a constitutional amendment that reduced inequalities in representation and provided that the Legislature may reapportion itself. This permissive language is still in the New Mexico Constitution.

Supreme Court decisions in 1962 and 1964 established the "one-man, one-vote" doctrine and required that both houses of state legislatures be apportioned substantially on population. After the passage of the Voting Rights Act of 1965, LWVUS undertook a study of the basis of representation in state legislatures and in 1966 reached consensus on the position that both houses of state legislatures must be apportioned substantially on population. The term "substantially" used in the Supreme Court decisions allows districting to accommodate local diversity and to protect minority representation.

Following the Supreme Court rulings in 1962 and 1964, the New Mexico Legislature reapportioned itself in 1965-66. It was impossible to meet the requirements on population because of the difficulty of determining an accurate population of precincts, and therefore districts. In 1969 the call for the mandatory and automatic reapportionment of the Legislature after each federal census was a major factor in LWVNM support for the proposed new constitution.

After the 1970 census, the New Mexico Legislature passed the 1972 House and Senate Reapportionment Acts, which retained the same number of Senators (42) and Representatives (70). The "ratio of representation" for both Houses was determined by dividing the population of the state by the number of Senators and Representatives respectively. The Acts also contained instructions to county commissions for setting precinct boundaries so that they would not overlap from one senate or representative district to another. The precinct population was still estimated based on the county vote for governor in the previous



general election, but there was much improvement over the 1965-66 reapportionment.

At LWVNM Convention in 1975 the delegates voted to drop the 1955 apportionment position on the grounds that future action could be taken under the national League position.

In 1979, LWVNM reapportionment efforts began again at state Convention, followed by a fall 1980 workshop on the issue. In 1982 the LWVNM Board, after concurrence by local Leagues, adopted the present position which is based on the LWVUS apportionment position and LWV support for the federal Voting Rights Act of 1965. LWVNM supported calling a special session of the Legislature to deal with legislative and congressional reapportionment.

In Special Session in January 1982 the Legislature provided for legislative and congressional redistricting. The “votes cast” formula was still used for the legislative redistricting and resulted the NM Supreme Court declaring the redistricting unconstitutional because it was based on the “votes cast” formula instead of precinct population. A second special session was called to correct the redistricting. LWVNM entered a coalition with other public interest organizations to work for reapportionment based substantially on population and on complying with the Voting Rights Act of 1965.

Basic to such reapportionment was the 1983 Precinct Boundary Act. The act required each county to prepare precinct maps to meet the Census Bureau requirements.

In 1995 the New Mexico Legislature passed the Precinct Boundaries and Census 2000 bill to require that precinct boundaries track with census block boundaries so actual population counts can be made for purposes of reapportionment.

*Cheryl Haaker (2009)*

At the LWVNM Convention in 2013 the delegates voted to drop the reference to the Legislature being part of establishing an independent redistricting commission because the Legislature would *de facto* no longer be involved if voters approved a Constitutional amendment to create an IRC.

*Chris Furlanetto (2019)*

## **Campaign Finance and Ethics (Adopted 1993; revised 1999, 2002, 2007)**

**The League of Women Voters of New Mexico believes that methods of financing political campaigns and public offices should ensure the public's right to know, combat corruption and undue influence, maximize fiscal accountability and transparency, and allow maximum citizen participation in the political process.**

**The League of Women Voters of New Mexico supports a fair, equitable and reasonable combination of public/private funding of campaigns for New Mexico state elective offices. Participation in the public/private financing should be voluntary. Participants should agree to voluntary spending limits. The legislation should provide for a source of revenue to fund the program.**

**The League of Women Voters of New Mexico supports limits on gifts and contributions to candidates for elected offices and to the holders of elected and appointed offices.**

**The League of Women Voters of New Mexico supports firm and consistent enforcement of campaign finance, gift and contribution reporting laws with significant penalties for non-compliance and wide public dissemination of reports.**

**An independent office or commission should have the authority to oversee campaign finance and gift laws as well as other ethics rules and lobbying laws, to receive allegations and complaints, to conduct investigations and to present cases to the appropriate enforcement agencies.**

*History:*

The position on legislative compensation was adopted through concurrence with a statement developed by the LWVNM Legislative Action Committee based on the study on the 1969 proposed new constitution that was presented. There were some concerns about difficulties that faced legislators, including living expenses in Santa Fe, time lost from their job or business, and the cost of constituent service.

In 1994 the Board voted to support the proposed constitutional amendment that would have set the legislative per diem to match the rate that the Internal Revenue Code sets for the city of Santa Fe. It would also have given some compensation for expenses incurred in constituent services and other activities required of legislators such as service on interim committees. The amendment was rejected by the voters in the November election of 1994.

*Rebecca Frenkel (2002), Kathy Campbell (2007)*

**Constitution** (Adopted 1969)

**The League of Women Voters of New Mexico supports a New Mexico Constitution which is concise and comprehensible, providing a basic framework adaptable to present and future needs of state government. LWVNM supports a less restrictive amending process in the Constitution.**

*History:*

At the first LWVNM Convention in 1950, the members League voted to examine and evaluate the functions and services of state government. This continued through 1952.

From 1955 to 1958 the League of Women Voters of New Mexico conducted a re-evaluation of state governmental functions. This review was the basis for many of the studies that resulted in the present positions on government.

The 1963 LWVNM Convention, prompted by the difficulty of working under the restrictive amendment process in the New Mexico Constitution, adopted the study, "Exploration of the Constitution of New Mexico." That same year the New Mexico Legislature had authorized a commission to study the Constitution and the possibility of a constitutional convention.

In 1965 the study was expanded to support continuation of the New Mexico Constitutional Revision Commission. In 1966 LWVNM took the stand that the present constitution needed major revision which would best be accomplished through a constitutional convention. The study was subsequently expanded to include working for a state constitutional convention.

In the summer of 1969 LWVNM adopted the current position on the New Mexico constitution. League worked for the passage of the new constitution proposed by the Constitutional Convention of 1969; the

voters rejected the proposed new constitution.

The LWVNM position in support of the new constitution contained 12 major provisions. One of these was the call for a less restrictive amendment process. This statement is directed at three clauses that 1) prohibit presenting an entire article of the constitution to the voters in one amendment, 2) the amending process can only be changed by a constitutional convention and 3) requiring amendments concerning the franchise or education to be approved by a 2/3 majority in each county and a 3/4 majority of the total state vote. These restrictive articles have been broadened somewhat by the courts and legislature. For instance, in 1970 the Legislature overturned historical precedent that constitutional amendments could not be proposed in even year sessions, deciding that amendments were germane in any year. That action and the resulting proposed amendments have never been challenged in court. The 2/3 majority vote in each county required on franchise and education amendments was ruled unconstitutional under the one-man-one-vote principle by the New Mexico Supreme Court in 1968.

This ruling upheld of the amendment providing for the absentee ballot. The amendment had passed by a statewide majority of 3/4 of the vote but had failed to get a 2/3 majority in every county. Previously, New Mexico voters had only the federal absentee ballot, which allowed members of the armed forces and federal civilian employees serving outside the U.S. to vote for President, Vice-President and members of Congress. LWVNM had, in 1954, adopted a position in support of the absentee ballot for state and local elections and this position had been included as a major provision for the new constitution.

Another five of the major provisions formed the basis for the present positions on the Executive, the Judiciary, Local Government and State Personnel. Five other provisions that dealt with reapportionment, tax appraisal and assessment, free and equal schooling, water quality and conservation and providing for salaries by statute, were dropped in 1971. These were dropped, in part, because LWVNM felt that LWVUS positions covered most of these issues.

In 1993 the New Mexico Legislature authorized a Constitutional Revision Commission to study the state constitution and make recommendations to the governor and lawmakers before the 1996 session. The Commission began work in February 1994 with League representation.

## **Election Procedures** (Adopted 1969; revised 1999, 2001, 2007, 2018, 2019)

### **The League of Women Voters of New Mexico supports:**

- 1. protection of the right of every citizen to vote;**
- 2. verifiable and auditable procedures to guarantee the integrity of all statutory methods of voting in New Mexico;**
- 3. funding to meet the requirements of the law and to serve the needs of the voters to ensure that elections are conducted accurately, fairly, and efficiently;**
- 4. a centralized voter registration and election management system;**
- 5. statewide uniformity in early voting for all elections;**
- 6. an all-inclusive system of voting that allows all registered voters to participate in the primary election;**
- 7. more direct citizen involvement in the candidate selection process for special elections to fill a vacancy;**
- 8. consolidation of elections in New Mexico;**
- 9. methods that increase voter participation, including automatic voter registration and same-day voter registration;**

- 10. systems that improve the election experience and provide ease of ballot access including vote-by-mail, supplemented by secure ballot drop boxes and accessible voting centers;**
- 11. amending the State Constitution to allow run-off elections in the case of non-partisan elections.**

***History:***

**Through 2007:**

The first state study was adopted at the second LWVNM Convention in 1951. The study examined and evaluated the state government in order to understand and improve its functions and services with special emphasis on two areas: adoption laws and the election code and its enforcement. This produced the 1954 League positions of support for an absentee ballot and measures to get and keep registration books up to date. LWVNM worked on the absentee ballot and registration issues under the “Continuing Responsibilities” designation for the next 15 years. In 1959 a position supporting the requirement of positive identification of voters by signature as a prerequisite for voting was added. Also in 1959 the League reiterated and broadened the position on keeping registration books up to date; it was broadened again in 1962 and 1965.

In 1967, after a study of the election code undertaken as part of the continued exploration of the New Mexico Constitution, LWVNM reconfirmed its stand on the absentee ballot, positive identification of voters and updating registration books. That same year, the Legislature passed permissive legislation to allow Class A counties to require positive identification of voters by signature.

In January 1968 the New Mexico Supreme Court ruled that a 1967 Constitutional amendment providing for an absentee ballot had passed. The amendment had received more than a 3/4 majority in the entire state but not a 2/3 vote in each county. The Court held that the 2/3 vote in each county was unconstitutional under the one-man-one-vote principle. This decision gave New Mexico the absentee ballot for elections at all levels of government where previously the absentee ballot had been limited to elections for federal officials.

During 1968 the League participated in the Legislative Council's comprehensive update of the election laws and in 1969 the Legislature passed the Revised Election Code containing positive voter identification by signature and measures to get and keep registration books up to date.

With the accomplishment of the absentee ballot, voter signatures and measures to improve registration records, LWVNM in 1969 adopted a general position in support of election procedures to ensure that elections be conducted in a fair and efficient manner. A clause in support of extending voting rights to 18-year-olds was added in 1971. The 1983 LWVNM Convention added a clause “to guarantee the integrity of the ballot.” These clauses remained the core of the LWVNM position until 1999.

In February 1973 LWVNM adopted a position that called for a system, in a direct primary election, in which candidates who wish to run for office could file nominating petitions with the Secretary of State. The number of signatures on the petitions should be a percentage of the number of votes cast for the particular office in the last general election. For statewide offices, the signatures on the petitions should reflect support from adequate geographical divisions within the state. This is essentially the plan passed by the 1973 Legislature to provide a petition system for getting on the primary ballot. This legislation also provided rules for write-in candidates.

This position was dropped by the 1987 LWVNM Convention because of the number of problems seen in these primaries in New Mexico. There had been abuses such as “purchasing” of signatures on petitions required in statewide races. There was considerable expense to the Secretary of State and to county clerks for checking the signatures on petitions. In addition, even without the direct primary it was still possible to

get on the ballot by petition if a candidate failed to get the required 20% party convention vote.

In November 1971 a special Constitutional Amendment election was held to bring the New Mexico Constitution into conformity with the U.S. Constitution by extending the vote to 18-year-olds. The amendment failed to get the required 3/4 majority and failed to pass. The New Mexico Attorney General issued an opinion that the Voting Rights Amendment to the U.S. Constitution, ratified in 1971 (New Mexico was not a ratifying state), preempted state control in the field of voting rights and 18-year-olds were allowed to vote. The New Mexico Constitution has still not been changed. An amendment that would bring it up to date on the 18-year-old vote failed to receive the required 3/4 majority in the November 8, 1994 election. In 2010 a proposed Constitutional amendment to modernize the language died in committee.

In January 1975 LWVNM, for the first time, went to court in the public interest regarding the full text of constitutional amendments not being available at the polls in the November 1974 election. Although the state Supreme Court declined to void the results of the elections, legislative efforts were made to correct the wording in the election code.

Electoral reform bills were passed by the Legislature in 1989 and 1993. The sweeping electoral changes of 1993 included the simplification of absentee ballots, mail-in voter registration, and "early-absentee" voting at county clerks' offices during the 40 days before an election. A new pre-primary election law was also passed. However, the bill containing New Mexico compliance with the 1993 National Voter Registration Act (the federal "motor-voter" act) regulations was vetoed by the Governor.

*Primary elections study.* The 1993 LWVNM Convention adopted a "study of primary elections with particular attention to the issue of open and closed primaries." The convention also approved a special project of action to promote bringing the New Mexico voter registration books up to date.

The Primary Elections Study Committee developed a statement in support of allowing all registered voters to participate in the primary election and took it to the local leagues for consensus. The results of the consensus process were reported to the LWVNM Board of Directors in March 1995. The Board agreed to present the consensus statement to the 1995 Convention for a decision. The Convention approved the statement and added another clause to the position: "The League of Women Voters of New Mexico supports an all-inclusive system of voting that allows all registered voters to participate in the primary election."

In the 1995 legislative session, several important bills affecting New Mexico elections were passed. The New Mexico "Motor-Voter" bill was passed and signed by the Governor. Another bill created a joint interim committee to review the entire election code and recommend changes. The Legislature shortened the "early-absentee" voting time from 40 to 20 days prior to any primary or general election mainly because the 40-day period overlapped with the close-of-voter-registration period and caused concern about potential vote fraud. Also passed were measures to calculate nominating petition requirements for "newly qualified" major parties. These revisions were prompted by the emergence in 1994 of the Green Party in New Mexico. Other bills were passed to clear up ambiguity in computer data and in legislative/census boundaries.

The 1997 LWVNM Convention adopted a new Election Law Review Study. This study addressed the five areas of administrative uniformity and efficiency, campaign finance, filling elective vacancies, write-in candidates and runoff elections.

Introductory local League meetings were held in the late fall of 1997 using resources gathered by the committee through extensive interviews with county and state election officials and research of the election code. Problem areas identified by election officials included lack of adequate funding, limited training and availability of poll workers, misunderstandings regarding early/absentee voting and the need for more voter

education. Other areas included in the scope were political campaign funding, congressional district experiences in filling U.S. House of Representatives vacancies, and the inability of New Mexico municipalities to conduct run-off elections.

A mail-in ballot printed in the December 1997 *La Palabra* led to concurrence supporting run-off elections in non-partisan races. Lobbying on this issue was undertaken by the LWVNM Legislative Action Committee during the 1998 legislative session. Due to the perceived lack of need and interest, the area of write-in candidates was dropped from the study.

All five local Leagues held the second set of Election Law Review meetings in the fall of 1998 using additional information gathered by the committee. The seven consensus questions provided member agreement from which new or expanded Election Procedures positions were written.

The new 10-point position was approved by the State Board at its January 1999 meeting, subsequently replacing the previous ones in the State Program. At the 2007 State Convention the item concerning the enforcement of state campaign finance reporting laws was moved to the new position on Campaign Finance and Ethics.

Following the enactment of the national Help America Vote Act in 2002, LWVNM established a HAVA Committee to monitor the implementation of that Act in New Mexico. In particular, LWVNM, like LWVUS, has consistently opposed the imposition of voter registration and identification requirements that are more restrictive than those of the HAVA. The Election Procedures position was used to support election law clean-up legislation to comply with HAVA as well as with New Mexico's adoption of paper ballot requirements (which the League supported starting in 2004 following the 2004 national convention that reversed the national board's opposition to paper ballot requirements). Using this position, LWVNM supported the auditing of election results (passed by the Legislature in 2009) and same day registration. The League has also supported election consolidation bills.

*Rebecca Frenkel (1999), Kathy Campbell (2007)*

#### **Post-2007:**

At its March 2018 meeting, the board considered a proposal from Meredith Machen for several changes in the Election Procedures position, including concurrences with positions from LWVCO, LWVVT and LWVOR.

The Board voted to concur with the LWVVT position by replacing our point 8 with: "The LWVNM supports ranked choice voting (RCV) for all statewide elections." replacing anything about "run-off elections".

The proposal suggested removing "in the US House of Representatives" from our existing point 7. After allowing additional time to research the source of the phrase, the Board voted to remove the phrase at its May 2018 meeting.

The proposal included another point recommending "alternatives to plurality voting that allow people to express their preferences more effectively (LWVCO), including ranked choice voting (LWVVT) which assures that the candidate preferred by a majority of voters wins in an election", as well as one recommending "systems that improve the election experience and provide ease of ballot access including vote-by-mail, supplemented by secure ballot drop boxes and accessible voting centers (LWVOR)." Although these seemed like good ideas, the Board decided to table these items until May as well.

At the May 2018 meeting, the Board then took the following actions, all proposed by Meredith Machen:

- Approved striking the word ‘statewide’ from "Ranked choice voting (RCV) for all statewide elections” so it could also apply to local elections;
- Approved adding the item “methods that increase voter participation, including automatic voter registration and same-day voter registration.” The Board recognized that LWVNM already supports these methods, but wanted to make it doubly clear;
- Approved adding "Systems that improve the election experience and provide ease of ballot access, including vote by mail supplemented by secure ballot dropbox and accessible voting centers" through concurrence with LWVOR (WA, CA have similar statements, but the OR language was preferred).

This position was further modified at the 2019 Convention by 1) striking the previous bullet “ranked-choice voting for all elections” and 2) reinstating the previous bullet “amending the State Constitution to allow run-off elections in the case of nonpartisan elections.”

The Board added the phrase ‘verifiable and auditable’ to bullet #2 at the November 2019 meeting following a discussion whether to concur with a proposal for a national Voter Representation/Election Process position.

*Chris Furlanetto (2019)*

**Executive** (Adopted 1969; revised 1983, 1995)

**The League of Women Voters of New Mexico supports four-year terms for state executive officers, preferably elected in non-presidential years with limitation of two consecutive terms in the same office.**

***History:***

The 1912 New Mexico Constitution gave four-year terms to the state’s executive officers. By 1914, a constitutional amendment had reduced these terms to two years. Between 1914 and 1970 voters rejected six proposals to lengthen the terms to four years and also voted down the proposed 1969 Constitution which provided for two four-year terms.

The League of Women Voters of New Mexico began its interest in this issue with a 1959-61 study titled "Four-Year Terms for Executive Officers of the State." In 1961 LWVNM adopted a continuing responsibility to support the election of state executive officers in non-presidential election years for four-year terms with a limit of two consecutive terms in the same office. The specificity of this position prevented LWVNM from taking a stand on a 1961 constitutional amendment that proposed a single four-year term, which the voters rejected. Before the 1969 Constitutional Convention, the consensus was reviewed and the position altered to change "elected in non-presidential years" to "preferably elected in non-presidential years." The League did support the change proposed by the new constitution voted down in 1969.

In 1970 voters approved a constitutional amendment that gave executive officers one four-year term and prohibited any executive officer except the lieutenant governor from running for another executive office within four years. The lieutenant governor was allowed to run for governor without an intervening term.

In 1986 voters approved the constitutional amendment, proposed by the state Legislature, to allow a governor to serve two consecutive terms. In anticipation of this amendment LWVNM had, in 1983, adopted the position that this law should not apply to the governor in office at the time the amendment passed. The amendment included this provision and was supported by LWVNM. This wording was dropped from the position by the 1995 LWVNM convention on the basis that it had been accomplished.

In 1969, in its support for a new state constitution, the League adopted the position for a shortened ballot that would call for the election of the governor and lieutenant governor only. The statement explaining the position said "It is difficult to decide among various candidates for so many offices. As a result, the further across the ballot one goes, the fewer voters make a choice, so we often have a small number of voters electing some of the executive officers. At present, the Governor is often held responsible in the public's mind state government events over which he has little control. A shorter ballot will give the Governor more actual responsibility and the authority to hold appointed officials accountable for their actions. The Governor can appoint officials with whom he is compatible and ask competent people to serve without regard to their `electability.'" The executive officers, besides the Governor, are the Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General and the Commissioner of Public Lands. In 1973 the wording "the election of the Governor and Lieutenant-Governor only" was dropped from the position. All attempts to shorten the ballot have failed.

## **Legislature (Adopted 2019)**

**The League of Women Voters of New Mexico supports legislative compensation that is fair and reasonable, recognizing that there is a cost to government and that the cost should be paid by the taxpayers of New Mexico.**

**The League recommends:**

- 1. paying a salary that is high enough to attract and retain qualified, committed legislators;**
- 2. providing legislators with adequate legal research and office assistance;**
- 3. requiring legislative procedures and schedules to promote efficiency, transparency, accountability, and public accessibility.**

### *History:*

This new position was proposed by Meredith Machen (LWVSFC) and adopted at the 2019 Convention. It was created by two actions: moving text from the 2<sup>nd</sup> paragraph of the previous Campaign Finance position to the first paragraph of the new position and by concurrence with a portion of the legislature position of LWVMA for the recommendations.

From the LWVMA Position on the Legislature: *a salary level high enough to attract and keep qualified legislators (1967) • the principle of free petition with some modification in procedures for handling bills during the second year of the biennium (1967) • strict adherence to the rules of late filing • joint committees organized to reflect major areas of legislative concern with majority and minority parties making their own committee assignments (1967) • adequate legal and research help • the Legislative Research Bureau (1967) • legislative procedures and a calendar that promote both efficiency and democracy (1988).*

*Chris Furlanetto (2019)*

## **Local Government (Adopted 1969; revised 2000)**

**The League of Women Voters of New Mexico supports home rule for municipalities.**

**The League of Women Voters of New Mexico supports a combined form of city/county government.**



## ***History:***

In 1969 the study of the local government article in the New Mexico Constitution produced a consensus of support for home rule for municipalities. This consensus allowed for “home rule” to be one of the major provisions supported by LWVNM for the proposed new constitution of 1969. The New Mexico Constitution, written at the time of statehood, made no provisions for the establishment of new forms of municipal governments. All municipalities were governed by statute except Silver City which was granted home rule under Territorial Law.

In a position paper in 1969 the LWVNM Board stated in part: “The constitution should provide that a municipality can devise and adopt its own charter by approval of its own citizens. It should have all powers not expressly denied by general law or its charter....”

After the defeat of the proposed new constitution in 1969, a home rule amendment closely following the LWVNM position was passed by the 1970 legislature and approved by the voters in November. The League lobbied for this amendment and worked for its passage. Even with home rule the state, as the parent government, may pass any prohibiting laws it deems desirable and the municipalities, though under a home rule charter, must comply with those laws. Because the Legislature can, and has, weakened the home rule amendment, LWVNM has retained the position. An example of restrictive legislation is that in 1970, at the same time Home Rule was amended into the Constitution, the Legislature passed a law limiting the power of municipalities to levy taxes. There have been efforts to repeal the Home Rule amendment.

The 1977 LWVNM Convention set up a Home Rule Committee to review the tax law concerning municipalities. The 1979 LWVNM Convention adopted a "study of the governmental and financial structures of the counties of New Mexico." The study was dropped in 1980 due to a lack of personnel and finances.

## **Public Regulation Commission** (Adopted 2012; revised 2013)

**The League of Women Voters of New Mexico supports the following with respect to the Public Regulation Commission (PRC) and the entity regulating insurance:**

- 4. PRC candidates should be evaluated on the basis of qualifications by a broad-based nonpartisan process.**
- 5. Candidates for the PRC should have education and/or appropriate professional experience in a related field or in consumer advocacy. There should also be mandated, ongoing professional training after election.**
- 6. The PRC should be funded by assessments on the industries that it regulates and those funds should be sequestered from the general fund.**
- 7. The legislature should approve a budget sufficient to enable the PRC to carry out its allotted duties successfully.**
- 8. Insurance and Utilities should be regulated by separate agencies.**
- 9. The laws forbidding *ex parte* communications between Commissioners and those who are interested parties in cases before the PRC should be very strong, and penalties for violating these laws also should be strengthened.**
- 10. The PRC should have an inspector general charged with reviewing practices for handling incoming payments properly, conducting internal audits of other functions, and pursuing such other investigations as are deemed necessary.**
- 11. The PRC Commissioners and advisory staff should be prohibited from working in a business regulated by the PRC for at least 1 year after they complete their tenure at the PRC.**

## **12. Consumer interests should have strong representation when the PRC is making policy decisions and setting rates.**

### ***History:***

The League of Women Voters of New Mexico began a study of the New Mexico Public Regulation Commission (PRC) in 2010, prompted by the belief that some reforms of the PRC were needed and that the time was ripe for making such changes.

The PRC study was proposed by the Santa Fe League, and adopted by the LWVNM convention in May, 2011. It included three parts:

- A history of regulation in New Mexico
- The PRC's regulatory responsibilities in each of the industries it regulates.
- Problems at the PRC and recommendations for solving them.

It turned out to be quite timely, as new scandals had beset the PRC and reforms began to be considered in 2011. Significant changes in the PRC were made in the 2012 and 2013 legislative sessions. The League's position on the PRC enabled the League to support requiring qualification for candidates for the PRC Commission.

The League position on the PRC was based on consensus questions proposed by the study committee, amended by the state board in July, 2012, and then discussed and developed at local League meetings in Santa Fe on August 22, 2012, Las Cruces on August 27, 2012, Albuquerque on September 8, 2012 and Los Alamos on September 11, 2012.

Based on the consensus meetings the study committee developed a proposed position that was presented to the state board in September, 2012; the position was adopted at that meeting. At that time, it was not known whether the Insurance Division would remain in the PRC or be moved elsewhere because voters were scheduled to vote on a constitutional amendment in November which would decide whether or not insurance regulation would remain under the PRC. The Board discussed how to deal with this, and decided that if Insurance were moved out of the PRC, the adopted position could be amended at the 2013 LWVNM annual meeting to apply some of the position elements to the new insurance entity.

The voters did approve the constitutional amendment moving insurance out of the PRC, and accordingly the Santa Fe League proposed several amendments to the initial position.

The Santa Fe League then took the proposed changes to the LWVNM state convention in May 2013, where they were approved. Two changes were approved, one to the opening statement to apply the position as appropriate to the entity regulating insurance, and one to the statement dealing with funding, to clarify the role of the legislature in approving the PRC's budget.

The two changes adopted at the state convention were:

- The opening statement was changed from, "The League of Women Voters of New Mexico supports the following with respect to the Public Regulation Commission (PRC):" to "The League of Women Voters of New Mexico supports the following with respect to the Public Regulation Commission (PRC) and the entity regulating insurance:"

- The statement on funding was changed from, “3. The PRC should be funded by assessments on the industries that it regulates and those funds should be sequestered from the general fund. The legislature should provide enough money in the PRC's budget so that it can carry out its allotted duties successfully” to two separate statements: “3. The PRC should be funded by assessments on the industries that it regulates and those funds should be sequestered from the general fund” and “4. The legislature should approve a budget sufficient to enable the PRC to carry out its allotted duties successfully.”

**State Finance** (Adopted 1971; revised 1975, 1983, 1989, 2014, 2017)

**The League of Women Voters of New Mexico believes that a fair tax must be:**

1. **equitable, taking into consideration relevant differences between persons, such as their annual income;**
2. **certain, not arbitrary;**
3. **convenient with respect to timing and manner of payment;**
4. **economical to collect;**
5. **adequate to finance the essentials of government.**

**The tax system in New Mexico should be progressive. LWVNM may support taxes that are regressive if it is determined that the tax will achieve a socially desirable objective.**

**In evaluating the average burden of taxation within the state, taxes should be compared with income of New Mexico residents; in comparing the burden of taxation in New Mexico with the burden imposed by other states, state and local taxes should be combined.**

**Tax credits and/or deductions should be evaluated based on promotion of equity and the efficiency with which they achieve their purpose.**

**Tax credits may be a means of providing relief from the regressive nature of the sales and property tax.**

**The League believes it is the state's obligation to collect revenues to fund services that are generally state responsibilities, rather than depend on cities and counties to raise the funds.**

***History:***

The League's interest in state financial matters began in 1952 when “budgetary procedures” was listed as an area of concentration in the examination of state government functions and services. Many states, including New Mexico, had "Little Hoover" commissions studying government structures and functions. LWVNM studied the "Little Hoover" Commission reports and agreed on the personnel and budgetary recommendations. Many of the League’s preferences about fiscal functions and control of how state monies were collected and spent were eventually adopted by the state. By 1963 most of the divisions dealing with budgets and expenditures had been placed under Finance and Administration.

The 1969 LWVNM Convention adopted a “study of New Mexico state government financial practices - how the money accrues, how it is spent and how it is invested.” Actual work was not begun on the study until after the defeat of the proposed new Constitution in November 1969. In 1971 the study was again adopted but reworded to read: “an examination of the fiscal policies of the New Mexico state government; a

comprehensive study of the collection, administration, and allocation of New Mexico state revenue with accepted principles and practices.”

In 1970 the New Mexico Legislature appointed a legislative committee to re-examine the tax structure of the state. The League study paralleled the legislative study and, in some instances, reached the same conclusions.

In December 1971 LWVNM adopted a position calling for a fair and equitable tax, eliminating the personal property tax, imposing a mobile home property tax (ad valorem) and phasing out the New Mexico veterans’ exemption on property taxes.

Several tax bills supported by the League passed the 1972 Legislature. A tax credit bill passed and was acclaimed as "landmark" legislation. Another bill placed mobile homes on the ad valorem tax rolls. A Constitutional amendment on personal property exemptions passed and was ratified by the voters the following November.

In 1973 the Legislature eliminated the personal property tax. In 1975 LWVNM dropped the positions on eliminating the personal property tax and on adding the mobile home tax because both had been accomplished. At the 1983 LWVNM Convention the statement on phasing out the veterans’ tax exemption was dropped.

The 1987 LWVNM Convention adopted a study to update the LWVNM position on state finance. In March 1989, the position which added the statements on a progressive tax system, evaluation of the burden of taxation, and on tax credits was adopted.

The 1993 LWVNM Convention adopted a study of the anti-donation clause in the New Mexico Constitution and its effects on businesses and taxpayers in the State. Work on the study was discontinued when the 1994 New Mexico Legislature proposed a Constitutional amendment to remove many of the restrictions contained in the anti-donation clause. The amendment was approved by the voters in November 1994. The 1995 LWVNM Convention voted to drop the study.

In 2003, the Legislature set in motion the flattening of the state income tax for both personal and corporate income taxes. The flattening of the state income tax was particularly notable, as the highest rate bracket began at \$24,000 for a family, where formerly a much higher rate kicked in at \$100,000. The PIT rates completed their decline in 2009, by which time the state was no longer enjoying the surpluses that had impelled the 2003 legislation and as a result was facing budget cuts in education, Medicaid, and other areas of interest to the League. In 2009 LWVNM joined a coalition of progressive organizations called Better Choices New Mexico, which among other things advocated for a return to more progressive income taxes and to the elimination of reporting options for multistate corporations that allow them to shift income from their New Mexico operations to states with no corporate income tax. These initiatives have made no progress in the Legislature to date.

In 2009, the League used this position to support a moratorium on Tax Increment Districts pending review and revision of the Tax Increment Financing Act.

The League supported the development of a Tax Expenditure Budget as well as bills to review specific tax credits, and some of these bills did pass the Legislature in 2011 but were vetoed by the Governor.

**Post-2011:**

The 2017 Convention delegates approved wording changes to clarify language concerning the state’s

obligation to raise money for state programs rather than taking local revenues.

Also in 2017, language was added to allow for regressive taxes to support socially desirable objectives. This change, proposed by Dick Mason (LWVCNM) was made to align this position with the Alcohol position.

*Chris Furlanetto (2019 for post-2011 additions)*

**State Personnel** (Adopted 1954; revised 1983)

**The League of Women Voters of New Mexico supports a merit system of selection, retention, promotion and dismissal of personnel in state government.**

**Term Limits** (Adopted 1992; revised 1995)

**The League of Women Voters of New Mexico opposes term limits for our state legislators.**

***History:***

LWVNM opposes term limits for our state legislators because they take electoral power away from voters. An incumbent whose performance is not acceptable to the voter can always be denied re-election by constituents. Mandated term limits would deny voters the opportunity to retain representation by an experienced and responsible legislator.

This position was adopted in 1992 in concurrence with the LWVUS position taken in 1991 in opposition to limits on the terms of members of the US Congress. LWVUS based its opposition on the grounds that such limits would adversely affect the accountability, representativeness and effective performance of Congress, and by decreasing the power of Congress, would upset the balance of power between Congress and an already powerful presidency. Delegates to the 1992 national convention reaffirmed the League's opposition to term limits and voted to allow state and local Leagues to use the national position to take action on term limits for state and local officials.

The LWVNM Convention in 1995 approved shortening the position to the statement of opposition to term limits for state legislators on the basis that the additional statements were explanatory. The explanatory statements are included in the history.

On the national level, in March 1995, the U.S. House of Representatives rejected a proposed term limits constitutional amendment. However, twenty-two states had passed laws setting term limits for their congressional delegations. These state laws were challenged, initially by the League of Women Voters of Arkansas, and the case went to the U.S. Supreme Court. The Supreme Court heard the case in November 1994 and in May 1995 issued the opinion that such state laws were unconstitutional.

**Transparency in State and Local Governments** (Adopted 2011)

**The League of Women Voters of New Mexico (LWVNM) expects all state and local governments, executive and legislative, to follow the requirements of the New Mexico Open Meetings Act (OMA) and Inspection of Public Records Act (IPRA).**

**LWVNM also recommends that all state and local governments, executive and legislative, adopt the following policies and practices regarding open meetings and public records, over and above what is legally required by the OMA and the IPRA, within reasonable budget constraints.**

#### **A. Open Meetings**

- 1. Maintain a comprehensive list of all meetings that are open to the public, along with their time, place, and agenda. With the exception of emergency meetings, announce public meetings at least one week in advance, using display ads in standard public media and on the government web site. To the extent that is practical, have all written materials that will be used in a public meeting available a week in advance, preferably on-line, or let the public know where and how such materials can be obtained.**
- 2. Broadcast as many public meetings as possible, in both real-time and an archived format, preferably on-line.**
- 3. Allow time and access for public input on important issues.**
- 4. Develop and publish a policy concerning public attendance and participation at meetings of government bodies that are not covered by the OMA.**
- 5. Make draft minutes of public meetings available to the public as soon as they are filed with the clerk or other appropriate official.**
- 6. In order to avoid the possibility or the perception that executive sessions may be used to keep from informing the public on certain issues, the League recommends the following policies on executive sessions:**
  - a. Hold meetings in executive session only when absolutely necessary, even though the OMA may allow otherwise.**
  - b. Include an explanation of the purpose of the executive session in the meeting agenda.**
  - c. Keep a public record of all attendees at executive sessions and make that information public when the public body reconvenes after executive session.**
  - d. On important matters of wide public interest that have been discussed in executive session, publish a draft motion based on what was discussed in executive session and allow public input on it at a public meeting before a vote is taken.**

#### **B. Inspection of Public Records**

- 1. Create an inspection of public records policy and procedure whose goal is to help the public obtain the maximum amount of information they may want to discover about their government and do so in a timely and cost-effective manner.**
- 2. Publish a price list for copying different types of public records.**
- 3. Develop a policy regarding the production and cost of spreadsheets, lists, and other reports which may not already exist as public documents but whose data exist within government files and in which there is a public interest.**
- 4. Use the government website as a repository of all information that is most likely to be needed by the public, including (but not limited to) open meetings and public records policies, meeting lists, proposed agendas, minutes, contents of meeting packets, frequently requested documents, contact information for government employees, resolutions and ordinances, personnel and procurement policies, and the location and mission of various departments and divisions.**
- 5. Use the government website as a repository for searchable budget and financial records, including operating budgets, expenditures over a specified amount, checks/warrants and any other budget and financial information made available to the governing body. These data**

should be in a non-proprietary format that maximizes the public's ability to download and analyze data.

6. Ensure that the government website is easy to use and search, that the information posted there is timely and up-to-date, and that it provides for interactive processes, such as requests for public records, whenever feasible.

**LWVNM recommends that state and local governments go beyond open meetings and inspection of public records in their efforts toward open, accessible governance. We especially recommend these practices:**

1. State and local governments' resolutions, ordinances, or published policies should cover ethics and conflict of interest, providing sanctions for violations.
2. Managers responsible for transparency should be trained and evaluated according to relevant statutes, policies, resolutions and ordinances. Elected officials should receive training on statutes and other mandates applicable to them.
3. State and local governments should encourage input and listen to their constituents. They should make it easy for constituents to comment on local issues, and as budgets allow they should periodically assess the needs, desires, and satisfaction of their constituents. They should respond to constituents' recommendations by changing policies and practices or providing explanations when they reject such input.
4. State and local governments should provide timely and complete information to their constituents on current topics.
5. State and local governments should provide up-to-date, easy-to-find information about their office locations, building directories, organization charts, and contact information for managers of key functions.

### ***History:***

The LWV of Santa Fe County did an extensive study of transparency culminating in a new position for local governments in 2008. The 2009 state convention agreed to a limited study directed as possible concurrence with an appropriately modified position. The position adopted by the 2011 convention closely parallels the LWV-SFC position, omitting a section specific to Santa Fe.

The League lobbied on transparency issues prior to 2011 using the national Citizens' Right to Know position. Specific examples include support for the Sunshine Portal bill, passed in 2010, and for Open Conference Committees, passed in 2009.

## **NATURAL RESOURCES** (Adopted 1976; revised 1987, 2015, 2018, 2019)

**The League of Women Voters of New Mexico believes that government should promote and ensure responsible stewardship of our natural, human, and cultural resources, particularly in the face of growth and development.**

**An essential prerequisite for protecting our resources is to require comprehensive analysis of the environmental and fiscal impacts of applications before issuing a development permit.**

### ***History:***

LWVNM supported the Environmental Bill of Rights amendment to the New Mexico Constitution which

passed in a special election on November 2, 1971.

In 1975 concern over how LWVUS positions on environmental issues were relevant to New Mexico, especially in water matters, led the LWVNM Convention to adopt a “study on the role of state government in the development of New Mexico's natural resources.” The study was also to give attention to interfacing with established LWVUS programs on environmental quality, human resources and land use. Consensus was reached and in December of 1976, the State Board approved the position statements regarding state acceptance of responsibility, the costs of resource development and a strong state conservation policy.

With the new LWVNM position added to the LWVUS positions on natural resources and the environment, LWVNM continued action on many issues. League members testified for energy-conserving building codes, and lobbied for energy conservation related bills. In 1977 the Clean Air Act revisions were a primary concern. In 1980 LWVNM testified against the headlong flight of the "Sagebrush Rebellion" and urged further study and public input on the question of disposition of public lands. In 1981 the League lobbied successfully for a bill to tie auto emissions inspection to vehicle registration in the City of Albuquerque.

In 1983 the LWVNM Convention adopted “a study of the laws and regulations governing the use, storage, transport, etc. of toxic substances and hazardous wastes in New Mexico.” This study was formally changed from a study for position to a study for information only at the 1984 LWVNM Council.

In 1984 the Environmental Protection Agency employed the League to monitor the Legislative Session and to report to the regional office in Dallas on legislation related to hazardous and toxic materials.

In 1985 and 1986, LWV members regularly monitored meetings on environmental issues. These meetings included those of the Radioactive and Hazardous Materials Interim Legislative Committee and the Water Quality Control Commission. The Natural Resources Chair reported to the 1986 LWVNM Council that the LWVUS positions are important to League lobbyists because environmental protection in New Mexico is a blend of state and federal regulations.

In 1988 LWVNM cooperated with the League of Women Voters of Albuquerque/Bernalillo County in a successful campaign to get LWVUS Convention support for the designation of the Petroglyph National Monument on Albuquerque's west side. The New Mexico Legislature participated with some funding and in 1990 the U.S. Congress designated the site as national monument.

In the 1989 Legislature LWVNM lobbied for adequate funding for The Environmental Improvement Department work on solid waste management issues to prevent dumping of out-of-state garbage in New Mexico.

In keeping with the focus on citizen participation in decision-making, League members serve on a number of natural resources and environmental boards and committees, an activity that also facilitates the gathering of information on issues. Committee members continue to monitor key state boards and commissions such as the Water Quality Control Commission, the Environmental Improvement Board and the Legislative Interim Committee on Radioactive and Hazardous Materials. In 1989 League members participated in the New Mexico First Town Hall and the LWVUS Education Fund Nuclear Waste Seminar in Albuquerque.

In the 1990 Legislature, LWVNM, along with other environmental lobbyists and technical experts, successfully lobbied for the passage of the Solid Waste Act. The Solid Waste Act calls for a comprehensive solid waste program to include source reduction, recycling, environmentally safe transformation of waste products and environmentally safe landfills. The Act also discourages the importation of out-of-state waste. League lobbyists were less successful in fighting bills that weakened the regulations on leaking underground



storage tanks.

In the 1991 report to the LWVNM Convention, the Natural Resources Chairman's report again stressed the necessity of working with other environmental lobbyists, technical and science experts, legal counsel and government staff in order to deal with today's complex issues and regulations. Issues followed in the 1991 Legislative session were generally efforts to keep previous gains from being weakened or lost. One accomplishment was the establishment of a separate state Department of the Environment.

In the 1993 Legislature the major environmental issue was the passage of the Hard Rock Mining Bill, which will force the clean-up of old abandoned mines. The new law also puts in place regulations to avoid environmental problems at future mine sites. Also passed in the 1993 session was the Cultural Properties Act, which will protect historical, archeological and other cultural sites in New Mexico.

In the 1995 Legislature, LWV opposed several anti-regulation and "takings" bills. The League lobbied successfully for amendments to improve the Subdivision Act.

In 1995 LWVNM contacted the New Mexico congressional delegation to oppose the introduction of a bill in Congress to allow the road, Paseo del Norte, to be built through the Petroglyph National Monument in Albuquerque. The bill was not introduced in that session of Congress. On other issues, LWVNM members were appointed to the Public Advisory Committee of the Grand Canyon Visibility Transport Commission and the Site-Specific Citizens Advisory Board for Environmental Restoration at Sandia Laboratories on Kirtland Air Force Base in Albuquerque.

By the second half of the 1990s, new issues related to the explosive growth and urbanization of New Mexico's population were becoming apparent. Local Leagues, as well as other western Leagues, adopted positions related to growth, development, water allocation, or general sustainability. LWVNM conducted studies on economic development, sustainability and water, all of which resulted in the education of its members and in new positions, but as of 2011 most of its advocacy continued to be based on the existing position supplemented by the relatively extensive national positions. In particular, the national League developed detailed materials on climate change without a formal study, using its existing positions.

Using these positions, during the first decade of the 2000s, LWVNM supported a number of energy and conservation measures, including

- Renewable Portfolio Standards and renewable energy production tax credits
- individual tax credits for installation of renewable energy and green building
- energy efficiency programs, including low-income weatherization assistance
- state building code modification to decrease GHG emissions
- grants for alternative energy projects at schools
- funding for water rights adjudication and for aquifer mapping
- continued funding for regional water planning
- environmental flow assessment and enforcement
- surface land owner protection, and
- earmarking of some gas and oil revenues to support land and wildlife conservation.

In 2009 LWVNM, Oxfam America, and the Rio Grande Chapter of the Sierra Club convened a symposium on Climate Change in New Mexico. The Action Committee subsequently lobbied on federal climate change legislation.

In 2009-2010 LWVNM and other organizations petitioned the New Mexico Environmental Improvement Board (EIB) to reduce emissions to 25 % below 1990 levels by 2020. The petitioners also sought stronger rules for air quality permits issued to polluting industry. On December 6, 2010 the Environmental Improvement Board approved the petition to set a cap on greenhouse gas emissions in New Mexico.

But, in the changed environment of the 2011 legislative session, LWVNM advocacy turned to opposing legislation that would have rolled back a great deal of regulation, especially a decision by the Environmental Improvement Board published in late 2010. There were some victories: State Engineer Jurisdiction Over the Deep Aquifer (HB19); Oversight for Tax Increment Development Districts (TIDDS) (HB451); and Training for Green Jobs (SB318) all made it to the Governor's desk. Another important victory was blocking the passage of TIDDS for the Westside SunCal project (HB470).

Collaborating with LWVCO, LWVNM urged the Environmental Protection Agency (EPA) to implement measures under the Clean Air Act to improve the San Juan Generating Station.

In 2011 an informal committee reviewed the LWVNM Natural Resources position and concluded that twelve areas needed updating. The 2011 LWVNM Convention approved a two-year study of land use in New Mexico. League members subsequently met with State Land Commissioner Ray Powell.

In 2012 LWVNM signed onto a petition requesting the Public Regulation Commission (PRC) to enact a state-level clean energy standard, which would require utilities to manage electricity generation from the facilities they own or buy from in order to achieve a 2-3 percent reduction per year in their carbon pollution based on LWVUS positions on emissions reduction.

LWVNM supported funding for updating the regional water plans and League members attended hearings of the Oil Conservation Division concerning relaxing the Pit Rule.

LWVNM sent a letter to Governor Martinez and the Public Regulation Commission (PRC), asking them to uphold the Clean Air Act by ensuring that PNM complies with Environmental Protection Agency's (EPA) requirement for the installation (in the San Juan Generating Plant or SJGP) of selective catalytic reduction controls or to require PNM to retire one or more of its coal fired units altogether and replace them with clean energy. League members met with PRC Commissioner Doug Howe to discuss the issues. He advised the League to meet with Dan Klein, an energy analyst and president of Twenty-First Strategies.

In 2014 PNM and the Public Regulation Commission (PRC) staff reached an agreement to accept the PNM proposal for replacing that coal power with a mix of gas, nuclear, coal, and solar (in that order). LWVNM wrote to the PRC and later to the Attorney General opposing the plan in part because of the over-reliance on fossil fuels and the under-reliance on renewables and also because of the billions of gallons of water used annually in coal and nuclear facilities.

Fall 2013

The NM Renewable Energy Act of 2004 requires investor-owned utilities to supply 15% of the energy they sell to customers from renewable sources by 2015 and 20% by 2020. The PRC adopted a rule to implement the statute, but held a hearing in September 2013 when critics of the rule began an effort to amend or overturn it. At the hearing, the League spoke in support of the rule. The PRC ultimately voted to alter the rule, enabling the utilities to satisfy the requirements by producing less renewable energy.

In 2013-4 a land use study conducted by the Natural Resources Committee morphed into an effort to arrive at a new position on Natural Resources through concurrence. The committee had been monitoring water,

energy, and other environmental issues and advocating at the legislature and before regulatory agencies. For a new position, they drew upon information acquired during the land use study, the positions of other state Leagues, and lessons learned at the Legislature.

The draft position was subsequently discussed at meetings with each local League, amended in response to the comments, and adopted by the board in November, 2014, replacing the 1987 position on Natural Resources. It was adopted at Convention in 2015. The 2010 position on Water Supply and demand was not changed.

LWVNM and other organizations wrote to PNM opposing the proposal to purchase the San Juan Coal Mine.

During the 2015 legislative session LWVNM supported SB 296, which extended the solar energy installation credit to 2016 and SM 29, calling for a study of natural gas flaring and venting. The League supported HB 38, providing recurring funding for forest and watershed restoration. It also would have created a board to recommend best practices and oversee projects, but the bill was amended on the Senate floor to make the board advisory only and eliminate its staff. The final was not the same bill we supported.

#### 2016

During the 2016 legislative session the bill to extend the solar market development tax credit, failed to pass. LWVNM opposed a bill that would have reduced the tax rate on some oil and gas wells. It also died. LWVNM advocated for the successful bills to provide financing for wastewater projects, residential energy conservation, and various water projects around the state.

Early in March LWVNM joined other organizations to send a letter to the Director of the Mining and Minerals Division of the New Mexico Energy, Minerals, and Natural Resources Department, asking him to postpone making a decision regarding transfer of permits to operate two coal mines in New Mexico without allowing adequate time for public comment and opposing the plan of the potential buyer to “self-bond.”

#### 2017

The State Lands Restoration Funds bill to create a fund for remediation and watershed restoration on state-owned lands was successful. Also HM 70, Protection of Chaco Canyon Landscape passed. LWVNM amended the natural resources position to extend support for conservation and protection of wildlife and their habitats by concurrence with Jefferson County, CO Natural Resources-Wildlife Position.

As of December 31, 2017, the two largest of the four units at San Juan Generating Station in Farmington will be permanently closed. This was the result of a long fight over closure and reduction in burning coal. PNM says it will close the entire plant in 2022.

The 2019 New Mexico legislative session produced the Energy Transition Act (SB 489) with a plan for closing the coal-fired San Juan Generating Station by 2022 while creating funding for worker severance and retraining; it also commits the state to 100% carbon free power by 2045. Other bills were merged to produce legislation that restores the authority of the Oil Conservation Division to enforce the Oil and Gas Act in court, to assess civil penalties for violations, and to regulate waste water from oil wells. The legislature appropriated \$242,000 in funding for the Strategic Water Reserve, allowing it to continue to acquire water rights to enhance flows in New Mexico's rivers. The Wildlife Corridors Act passed, calling for a plan to identify and protect wildlife corridors and making an appropriation for implementation of the plan. The bill to ban coyote killing contests also passed. Legislation that failed to pass included the solar market development credit and the ban on trapping.

*Barbara Calef (2020)*

## **Agriculture**

**LWVNM recognizes the vital contribution that New Mexico farmers and ranchers make to our health and welfare by supplying us with food and promoting a vibrant economy for the state. LWVNM urges the state to work with the industry to promote research and education about more sustainable agricultural practices. As stewards of our natural and human resources, we must preserve healthy local ecosystems for future generations.**

**LWVNM urges the State of New Mexico to:**

- 1. provide training programs on sustainable farming and ranching practices;**
- 2. provide assistance to institutions of higher learning within the state to integrate sustainable agricultural practices into their curriculum;**
- 3. regulate the management of livestock and crops to prevent contamination of soil, air, and water;**
- 4. encourage farmers and ranchers to cooperate with wildlife managers to actively preserve and restore riparian habitat and natural stream flows;**
- 5. provide more funding for the Cooperative Extension Service for the support of local agriculture.**

## **Air Quality**

**The League supports programs that protect clean air. Effective air pollution controls should be implemented for both stationary and mobile sources of emissions.**

**The New Mexico Environment Department is the chief regulatory agency responsible for air quality protection in the state. It is important that the public has access to the regulation development process and that the subsequent permitting and enforcement ensure that air quality is protected from deterioration. Permitting and enforcement must be performed in a transparent manner.**

## **Climate Change**

**The scientific evidence is clear that our climate is changing and that human activities resulting in the emission of CO<sub>2</sub> and other greenhouse gases are significant factors in the heating of the planet. The League supports policies and incentives that reduce greenhouse gas emissions by promoting greater energy efficiency; by developing clean, renewable energy sources; and by encouraging further research on alternatives to the combustion of fossil fuels for energy. Industries in New Mexico should be required to pursue carbon reduction strategies. The League also believes that government should educate the public about how to reduce individual carbon footprints and should offer incentives to do so.**

## **Energy and Mining**

**The League supports:**

- 1. environmentally sound resource extraction, power production and transmission;**
- 2. strong measures to promote conservation of energy and water;**
- 3. rigorous regulation and enforcement to prevent mining and drilling activities from contaminating surface or ground water or the surrounding landscape;**

4. **taxes on resource extraction and energy development in order to assist communities with associated infrastructure costs;**
5. **adequate bonding or other financial guarantees for mining and drilling activities to fund clean-up operations in the event of abandonment by companies.**

## **Environmental Justice**

**The League believes that government must conduct its programs, policies, and activities in a manner that promotes equity and affords fair treatment, accessibility, and protection for all residents, regardless of race, age, culture, income, or geographic location.**

## **Land Use**

**The League finds that the responsible management of our land is critically important to ensure the long-term health and well-being of all New Mexicans, to protect the resilience of our urban and rural communities, and to preserve habitats and natural landscapes for the continued viability of all species.**

**The League further notes that land use is inextricably linked with other important issues such as water, energy, food, transportation, air quality, and climate change. Strategic planning at the local, regional, and state levels must not consider land use in isolation. Government subsidies for development should only be approved when the benefit to society justifies the full cost and outweighs any detriment to the natural environment.**

**The League believes that, as the responsible steward of our land use resources, state government should:**

1. **revise land use planning, zoning, and subdivision statutes to better protect our natural resources;**
2. **provide oversight, technical assistance, and funding to ensure that all communities are able to comply with comprehensive planning requirements;**
3. **require comprehensive planning by local governments that is**
  - a. **updated on a regular basis;**
  - b. **consistent with regional water plans;**
  - c. **implemented by zoning and subdivision ordinances;**
4. **ensure coordination among key state agencies responsible for stewardship of our state's resources;**
5. **improve communication and coordination between Native American communities and federal, state, and local governments in New Mexico;**
6. **encourage local communities to enact measures to conserve energy, integrate transportation planning, consider availability of water and other resources;**
7. **protect the quality of the environment for people of all economic levels;**
8. **preserve open space and natural habitat for wildlife by identifying and regulating areas of critical concern including fragile areas, wildlife corridors, historic areas, riparian habitats, and natural hazard lands.**

**Transparency and public participation in decision-making must be part of the process at all levels of government.**

**A substantial portion of the land in New Mexico is controlled by the State Land Office (SLO). The LWVNM believes that the SLO should practice transparency and accountability in its actions and should include local communities in decision-making. The State Legislature should ensure that the State Land Commissioner has the support needed to maximize profits and minimize administrative costs, while protecting the environment and preserving the long-term value of the land.**

### **Transfer of Federal Public Lands (Adopted 2019, Revised 2020)**

**The League believes that federal public lands should benefit all Americans. The lands should remain under the jurisdiction of the federal government with Forest Service and Bureau of Land Management lands managed according to the Multiple-Use Sustained-Yield policy. We support improvements in management and regulation.**

**Federal law allows for the sale or exchange of federal lands if it is in the public interest. Prior to any transfer, a comprehensive assessment that covers the following issues should be performed:**

- 1. environmental analysis, including air and water quality, biodiversity, endangered and threatened species**
- 2. health impacts**
- 3. environmental justice**
- 4. suitability of proposed land use**
- 5. subsurface resources**
- 6. financial/economic impacts**
- 7. cultural resources**
- 8. public access**
- 9. management for fire and other natural disasters**
- 10. tribal consultation.**

**The League is opposed to the sale of federal lands to private entities except for small tracts surrounded by nonfederal lands.**

**The League is opposed to the transfer of subsurface rights to the state or other entities. Any development of subsurface rights on federal land should benefit all Americans.**

### ***History:***

Barbara Calef (LWVLA) and Judy Williams (LWVSFC) co-chaired the 2017-2019 Transfer of Public Lands study. The study was initiated in response to legislation discussed in several Western states, including NM - and passed by the Utah legislature - demanding transfer of selected public lands to the states. The study proposal was adopted at the 2017 Convention so LWVNM would have a position for advocacy if/when such legislation was proposed in New Mexico.

LWVNM proposed that the 2020 LWVUS Convention delegates concur with our TFPL position. For clarification, the 1<sup>st</sup> sentence was modified to refer to the USFS and BLM multiple-use sustained-yield mandates. This change was formally approved by the Board at its July 2020 meeting. We presented our position via a virtual caucus on June 22; 76% of delegates voted in favor of the concurrence on June 27. Therefore, this is now a LWVUS position available to all local and state Leagues.

*Chris Furlanetto (2019, 2020)*

## **Transportation**

**The League believes it is important to integrate transportation into land use planning. To reduce vehicle miles traveled, it is essential to encourage alternatives to the single occupant vehicle. Thus, the League supports government decisions to:**

- 1. improve public access to integrated mass transit systems, especially to link workplace and neighborhood destinations;**
- 2. improve public access to alternative forms of transportation such as cycling and walking.**

**The League calls for government agencies responsible for transportation planning to reach out to the general public to improve public participation in transportation-related decisions. All future road projects should take into account the needs of all people.**

## **Waste Management**

**The League supports policies that:**

- 1. reduce the generation and promote the reuse and recycling of waste materials;**
- 2. ensure safe treatment, transportation, storage and disposal of materials that cannot be re-used or recycled in order to protect public health and natural resources;**
- 3. involve state and local governments and citizens in the consideration of proposals for treatment, storage, disposal and transportation of materials;**
- 4. ensure that the full cost of remediation is borne by those who cause the pollution.**

### *History:*

#### **Beverage Container Legislation:**

1981 was the first time that LWVNM presented a statement in the Legislature in support of beverage container deposit legislation (the Bottle Bill). The League has continued its support for this legislation but has not concentrated its effort on this issue due to the extremely intensive lobbying required because of the strong and well-financed opposition that this bill encounters.

Shortly before the 1995 Legislature convened, the LWVNM Board voted to withdraw from the New Mexico Litter Control and Beautification Council on the grounds that the Council did not address litter problems but was being used as a weapon against a container recycling law. In 1995 LWV again supported the Container Recycling bill which failed to pass.

*Barbara Calef (2020)*

## **Water Quality**

**The League supports stringent regulations to protect ground and surface water quality from pollution that can impact human health as well as the natural flora and fauna. Such regulations must be strictly enforced.**

## ***History:***

Using LWVUS positions, LWVNM continued working on anti-pollution and pollution abatement legislation, opposed the establishment of a paper mill on the Rio Grande, supported the environmental provisions in the proposed new state constitution in 1969, and published the Western States Water Newsletter. Members attended meetings on numerous issues involving water and worked with other interest groups. In 1970, as LWVUS was lobbying for the establishment of the Environmental Protection Agency, LWVNM members were working on air quality issues, subdivision regulations, sewage treatment plant certification questions and water quality legislation.

In 1977 LWVNM received an LWVUS grant to encourage public participation in the formulation of a statewide water quality management plan. In 1978 the LWVNM Water Quality Task Force promoted meetings of the Environmental Improvement Agency to be held around the state.

In 1981 the League opposed a bill that would grant variances to companies having economic difficulties resulting from adherence to water quality standards. In the 1983 Legislature LWVNM lobbied against regulations which would make it easier to degrade water quality.

LWVNM objected to the new Copper Rule issued by the Water Quality Control Commission in September, 2013. They stated, “We believe the state should require the mining industry to prevent pollution at its source, as common sense would dictate, rather than attempt to mitigate the effects of pollution after the fact.”

*Barbara Calef (2020)*

## **Water Resources/Supply (Adopted 2010)**

**The League of Women Voters of New Mexico believes that consumptive use of water in New Mexico must be in balance with renewable supply. Healthy ecosystems naturally perform services that benefit both people and nature, such as cleaning water, reducing floods, and creating fish and wildlife habitat. To secure the benefits of functioning ecosystems and to conserve New Mexico's biodiversity, sufficient water must be budgeted for environmental flows. The creation and adherence to comprehensive water budgets is essential to preserve public lands, water, and open space, and to ensure that there will be enough water for future generations of New Mexicans. The state, water regions, and local governments must:**

- 1. monitor and measure all water resources and uses, and publish this information;**
- 2. use a public process to create and follow water budgets;**
- 3. educate citizens on their responsibilities as well as their rights;**
- 4. promote strategies to reduce demand;**
- 5. minimize water contamination in order to promote the health and safety of all life;**
- 6. preserve and restore rivers and watersheds.**

**Conservation of water and efficiency of use must be encouraged to enable New Mexico to meet its interstate compact obligations, to help balance use with supply, to relieve stress on the physical system, and to reduce net depletion.**

### **Regional Water Planning**

**The League supports continued funding for regional planning. Using a public process, regional planning should:**



1. gather and publish data on supply and demand and provide regular updates;
2. create a balanced water budget;
3. identify critical and emerging issues.

Local land use plans should be required to be consistent with applicable regional water plans.

The public welfare statements of a regional water plan should be considered by the State Engineer when reviewing applications for transfer of water rights.

### **Land Use and Water**

Land use and development must be tied to water availability. To encourage this:

1. Compliance with water availability determinations by the Office of the State Engineer (OSE) under the Subdivision Act should be mandatory.
2. Review of subdivision applications pursuant to the Subdivision Act should be expanded to encompass all divisions of land.
3. Long-term cumulative impacts as well as short-term water requirements of development should be taken into consideration by the local permitting authority.
4. The applicant must be required to acquire water rights before development can proceed.
5. The impact of any transfer of water rights on the area of origin must be assessed.
6. The permitting authority should evaluate the impact of proposed developments on "public welfare" as defined by the applicable regional water plan and be able to demonstrate that the proposed development is consistent with the plan.
7. New residential and commercial developments should be water-efficient.
8. Growth should not be permitted where water is not available.

Local zoning and subdivision statutes should be updated. State and local governments should collaborate in addressing the problem of antiquated subdivisions in order to facilitate planning and to make the water budget process meaningful.

### **Role of Government**

State government and the legal process must work to reconcile the many claims on New Mexico water in a manner that is open and as fair as possible. Among other considerations:

1. Communal as well as private interests must be respected in applying water law;
2. Maintenance of in-stream flow and general ecological health must be recognized as a "beneficial use" of water.

The Office of the State Engineer should be adequately funded to execute its functions. In addition:

1. The OSE must be given more authority to regulate domestic well permits. Improved regulation and monitoring of domestic wells and septic systems is essential to protect groundwater supplies and should be adequately funded.
2. The effort to gather data must be coordinated and adequately funded by the state, which should establish consistent protocols, accounting methods, and terminology.
3. The state should also help implement the regional water plans and provide coordination among planning activities at the different levels of government and across river basins.

Government should support research on water-related issues including:

1. **methods to manage and store water that lose less to evaporation;**
2. **best agricultural practices that optimize the use of water for both farmers and downstream users, while sustaining the natural flow;**
3. **urban systems that maximize water re-use;**
4. **health of the state's rivers and watersheds.**

**Governments at every level must educate citizens by developing and disseminating data about water resources. Local governments must promulgate and enforce regulations promoting conservation, including positive incentives and rate structures.**

### *History:*

#### **Water Resources:**

Members of the League of Women Voters of New Mexico have been interested in natural resource issues, primarily water, from early in the history of LWVNM. Local Leagues participated in the 1956-58 LWVUS study of water resources. At the 1959 LWVNM Convention, Local Leagues advised the State Board that the subject of water resources was too complex to make policy decisions without more study. In 1958-60, LWVUS took action in support of national water policies and practices which promote coordinated administration, equitable financing and regional or river basin planning.

Water resources issues remained high on the LWVUS agenda for the next several years and New Mexico League members maintained interest in the national League's program. In 1966, LWVNM Council reported that the Water Resources Chair had attended the First Governor's Conference on Environmental Health Planning, which included discussion of water supplies and water quality.

In 1963, LWVUS had supported passage of the Senate bill that established water resources centers in land-grant colleges and universities. From 1961 through 1966, a series of federal laws on water pollution were enacted. This series included the Water Pollution Control Act, which set deadlines for establishing water quality standards. In 1966 New Mexico League members attended the hearings that were held for the five interstate rivers in the state.

The LWVUS Convention in 1966 set up a regional committee for western states concerned about mutual water problems - it was called the Western States Water Study. This involved Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico Oregon Texas, Utah, Washington and Wyoming. At about the same time, the governors of these states, except Texas, organized the Western States Water Council. Texas later applied for membership in the Council.

In February, 1969 the LWVUS Education Fund sponsored a Western States Water Conference in Salt Lake City. Authorities from regional water commissions and federal agencies discussed planning for water use and conservation. One speaker from the U.S. Bureau of the Budget gave the "cost-benefit ratio" for evaluating water projects.

At the 1969 LWVNM Convention, the Water Resources Committee reported that LWVNM had virtually alone carried the LWVUS 12-State Western States Water Study. The Committee also reported that the idea of "cost-benefit ratio" being used to evaluate water projects was disputed at the 1969 Annual Water Conference held at the Water Resources Research Institute in Las Cruces. There it was stated that solutions to water problems should be designed to meet human needs as they exist no matter what the cost-benefit ratio seemed to be.

The LWVNM position statement in support of the proposed new state constitution of 1969 contained a

provision that called for policies and procedures to promote comprehensive, long-range planning for conservation and development of water resources and improvement of water quality.

In 1985- 86 testimony was given on several occasions to support the New Mexico Environmental Improvement Department's efforts to protect groundwater.

The 1987 LWVNM Convention added a statement specific to the protection of ground water and surface water to the Natural Resources position. It was felt that the new language was necessary because the statement in the earlier position did not clearly refer to the protection of water resources. It was also necessary to emphasize that the state should not be prevented from having stricter control standards than the federal government. 1987 also marked the beginning of local League surveys on drinking water that were conducted as part of the LWVUS Drinking Water Survey.

The LWVNM Natural Resources Chair reported to the 1989 Convention that there was a rapid increase in interest in water issues and that these issues were complicated and technical. Testimony at hearings has become so highly technical it is difficult for non-professionals to participate. Instead of technical testimony, the LWVNM Natural Resources Committee members focused on insuring the citizens' right to comment on issues, on citizen education, and on asking questions to bring out needed information. In 1989, League members again attended the annual conference by the New Mexico Water Resources Research Institute. Also in 1989 LWVNM, with the New Mexico Garden Clubs, co-sponsored a conference on groundwater.

Both the State and Local Leagues gave much attention to water issues in 1994. Two Local Leagues received LWVUS Education Fund grants; Albuquerque/Bernalillo County received a grant for a downlink of a LWVUS teleconference on groundwater and Santa Fe County received a grant for a conference on nuclear waste. The New Mexico Legislature passed the Regional Water Planning Act and appropriated \$350,000 for planning, conservation and statewide water resources assessment.

League members served on committees such as the Nonpoint Source Task Force of the New Mexico Environment Department, and the State Engineer's Advisory Board for Municipal Water Conservation Guidelines.

### **Water Supply:**

The 2007 LWVNM Convention approved a study of water supply and demand. Although LWVNM was able to take positions on many water issues using its position on Natural Resources, supplemented in some cases by national positions, there were also many issues concerning water supply and demand that it found itself unable to address. It was later determined that the scope was too broad; the study was revised by the state board to investigate:

1. Rio Grande drainage, including: gauges, recharge rates, offsets, and the San Juan-Chama Project.
2. Conservation methods: what works, what doesn't.
3. Values to help in decision-making.
4. Linking land use to water supply by studying the jurisdictional, regulatory, and planning disconnects and drafting an interim report describing them; and by making recommendations to eliminate the disconnects.
5. Legislative issues.

In 2008 the League lobbied for funding for aquifer mapping and regional water planning based on existing positions. League members participated in a new group started by the 1000 Friends of New Mexico to promote a more effective link between land use and water supply.

The study of water supply and demand was extended for a third year at the 2009 LWVNM Convention. A new position was adopted by the LWVNM Board in the spring of 2010 and used that year to support

Outstanding Natural Water Resources designation for waters within U.S. Forest Service wilderness areas and other road-less areas in New Mexico. The Water Quality Control Commission voted to approve the designations for 700 miles of perennial rivers and streams, 29 lakes and about 4,930 acres of wetlands in wilderness areas of national forests in the state.

The League advocated for two bills passed by the Legislature in 2013 to amend the Subdivision Act to mandate compliance with water availability determinations by the Office of the State Engineer and extend application of the law to smaller subdivisions.

During the 2014 legislative session the League supported SB 89, which would have required the Interstate Stream Commission (ISC) to use federal funds for non-diversion alternatives to meet regional water supply needs in the Gila. The bill failed to pass.

*Barbara Calef (2020)*

## **Wildlife** (Adopted 2018)

**The League supports the conservation and protection of wildlife and their habitats for the contribution they make toward the health and sustainability of the environment.**

### *History:*

This sentence was added to the introduction of Natural Resources by the 2017 Convention delegates by concurrence with LWV Jefferson County, CO. The addition was proposed by Judy Williams (LWVSFC) as was the 2019 movement of the sentence from the introduction to Natural Resources to create this stand-alone topic due to its importance.

*Chris Furlanetto (2019)*

## **EDUCATION** (Adopted 1987; revised 1995, 2009, 2015, 2016, 2017, 2019)

### **General** (Adopted 1987; revised 1995, 2009, 2015, 2016, 2017, 2019)

**The League of Women Voters of New Mexico (LWVNM) believes that education is the cornerstone for perpetuating a strong and viable democracy. The public education system should impart to all students an understanding of the nature of democracy and the responsibilities of citizenship, the ability to think critically, and the skills necessary to continue to learn and function as adults in a complex society.**

**The League of Women Voters of New Mexico believes that every student should have access to a high quality, publicly funded education regardless of gender, race, ethnicity, family income, or geographical location. The League believes in accountability, transparency, and equity in the use of public funds for education.**

**The League supports public schools as the primary method of educating students. The League opposes the presence of private, for-profit companies in the governance, management, and provision of public education. LWVNM believes that a regionally elected State Board of Education should be responsible for appointing a Superintendent of Public Instruction and directing education policy, regulation, and finances.**

LWVNM supports the following strategies to ensure the greatest possible academic success for all students:

**Practices for Student Success:**

1. Use the Common Core State Standards to provide a framework for knowledge and the academic skills that students are expected to master, with flexibility for district and charter schools to determine how the standards are taught and measured.
2. Develop to each student's highest potential the knowledge and skills needed for success in adult life, along with a broad understanding and appreciation of history and prospects for the future.
3. Cultivate each student's capacity to solve problems and make decisions.
4. Provide opportunities for all students to develop their aesthetic awareness and creative abilities.
5. Foster an awareness of the rights, privileges, and responsibilities of participation in a democratic society.
6. Foster an understanding of basic economic principles and the need to manage resources for the benefit of both present and future generations.
7. Provide the tools to make wise college and career choices and to understand the importance of each individual's work in the local, national, and world economies.
8. Promote practices that lead to physical, mental, and emotional well-being.
9. Enhance the sense of community within the school, as a microcosm of the larger society, through standards of conduct that reflect a concern for the opinions, values, aspirations, and well-being of all.
10. Develop the critical thinking and problem-solving skills of students through experiential learning and through the use of technology.
11. Maintain and use health and social service teams in the schools to identify and work with at-risk students and their parents or caregivers, with referrals to appropriate community agencies when necessary.

**Community Involvement:**

1. Collaborate with all sectors of the community to improve public education at all levels.
2. Seek business initiatives offering work schedules that support student attendance at school.
3. Create incentives to encourage students to develop career skills and graduate from high school.
4. Implement programs that increase involvement of parents of all socioeconomic groups in the education of their children at all grade levels.

**Early Childhood Education:**

Secure collaboration among a broad base of community organizations, social service agencies, and schools to enhance the development of children from birth to age five to prepare them for success in kindergarten and beyond.

**Evaluation of Teachers, Students, and School Performance:**

1. Focus student evaluation on student academic progress rather than rigid standards of proficiency.
2. Use student testing to assist teachers in providing effective and timely strategies for student academic achievement.
3. Implement measures to improve the preparation, recruitment, professional development, and retention of quality educators with in-depth knowledge in core academic subjects and instructional strategies.
4. Follow due process procedures when terminating teachers and principals who do not meet minimum standards.

**5. Base assessment of school and teacher performance on overall quality of the education provided to the students and improvements in student academic growth as measured by multiple methods, including professional observations.**

***History (of General Section):***

Education has been a high priority for LWVNM for many years. In addition, education committees in our local NM Leagues have studied various programs and aspects of education policy over the years; many of the principles of local League positions on education have also been incorporated into the state education position. All the NM local Leagues participated in the LWVUS study of the Common Core State Standards and have advocated for New Mexico to adopt the standards.

The Education position has been revised and reorganized over the years to add components on public school funding principles as well as for the need for career guidance, civics instruction, early childhood programs and social services. The position is grounded in the recognition that the state's paramount duty is to provide public education, a duty that requires about half of the state budget.

The LWVNM Convention in 1985 adopted "a study of education to define educational goals." Consensus was reached and the LWVNM Board approved the position in January of 1987.

At the 1989 LWVNM Convention the Education Committee reported lobbying for legislation to improve recruitment and retention of educators of high quality chiefly by advocating higher salaries for teachers in New Mexico. They also reported working to maintain funding of the mandated measures of the Education Reform Act of 1986. In 1995, as directed by the 1993 LWVNM Convention, this position was rewritten to be clearer and more concise. The 1995 LWVNM Convention approved the extensive changes in the language of the position. The 2009 changes were minor, clarifying that the goal of strengthening community involvement in improving all publicly funded educational programs through the addition of the words "all levels" --birth through higher education and adding "parents or caregivers" when working with "at-risk children."

With this position, the League lobbied for an Early Childhood Care and Education Act (enacted 2011) and a Full Services Community School Act (passed but vetoed in 2011).

It was clear in the course of the Charter School study (begun in 2015, see below) that the Education position in its entirety needed to be revised and reorganized. Revisions included a statement calling for a Superintendent of Public Instruction, an educator chosen by an elected board, the Public Education Commission (PEC).

The board approved incorporating the former Public School Finance position (also see below) as a separate segment into the overall position and then added the Charter School section in 2017.

The 2019 Convention formally approved moving what is now the 2<sup>nd</sup> paragraph in the General sub-section from the Charter School Regulation position. The word 'gender' was inserted immediately before the word 'race' in the first sentence. Judy Williams (LWVSFC) proposed the change because the substance of this paragraph applies to all public schools, not just to charter schools.

*Meredith Machen, Chris Furlanetto (2020)*

## **Charter School Regulation** (Adopted 2016, Revised 2019)

**Charter schools are discretionary programs intended to fill unmet needs and/or to test innovative instructional strategies to produce quality educational outcomes. Policy makers must ensure that adequate funds are available for traditional public schools and define how charter schools fill unmet needs. Appropriate instructional and support services must be provided in all public schools to meet the diverse needs of individual students.**

**Regarding the mission of charter schools, the LWVNM believes the following:**

- 1. A charter school should not be authorized unless:
  - a. its mission would serve a need the traditional schools cannot;**
  - b. funds are available;**
  - c. there is a demonstrated need based on student population projections.****
- 2. New Mexico should provide flexibility and supplemental funding for magnet programs and career academies within traditional public schools.**
- 3. Charter school innovations demonstrated to be effective should be disseminated to improve the traditional public education system.**
- 4. The state should establish a closure policy revoking the contract of a charter school that fails to meet minimum academic, financial, and organizational standards for two consecutive years or for two of the three most recent years.**

**For the sake of assuring accountability and transparency and minimizing the fiscal impact, LWVNM recommends the following:**

- 1. A charter school's finances should be available for public scrutiny, and budget processes should be similar to those for school districts, which require the public to be provided with an opportunity for input into decision-making.**
- 2. Charter school governing council members should adhere to standards and best practices as delineated by the NM School Boards Association.**
- 3. Funding to state-chartered schools should minimize the amount allocated to for-profit management and business operations with oversight provided by state-approved auditors.**
- 4. Funding should be equitable so as not to advantage charter schools over traditional public schools.**
- 5. NM should develop an effective performance-based accountability system for charter schools focused on increased proficiency, academic growth, and college/career readiness standards to ensure that charter schools demonstrate positive student outcomes. Charter schools that do not meet the established benchmarks should be put on time-limited improvement plans and not allowed to increase enrollment until they have met the benchmarks.**

**LWVNM believes that public funding for virtual schools should be less per student since the schools do not require brick and mortar facilities.**

### ***History:***

New Mexico's constitutional requirement for a uniform, high quality school system of free, non-denominational public schools has been tested by charter schools which are publicly funded yet privately managed.

The need for close scrutiny and increased accountability of charter schools, whether subject to oversight by local districts or by the state, arose in 2014 because of audit concerns that revealed deficiencies in internal financial controls and lack of compliance with some provisions of state law. Even the Legislative Education Study Committee was not able to obtain information that should have been readily available and open to scrutiny; this led to the formation of a LESC subcommittee to study charter schools.

The 2015 Convention delegates approved a study of charter schools to understand the discrepancies in the amount of public-school funding allocated to charter schools vs. traditional schools as well as to identify any differences in regulations and performance standards. The League was also concerned that the NM Public Education Department had overruled the NM Public Education Commission's decisions to deny charter contracts and renewals despite the Commission's statutory authority to make those decisions. Expensive legal fees covering both the lawyers for the charter schools as well as for the PED were being paid by taxpayers, yet the public was left in the dark about the costs and the reasons for keeping failing charter schools in operation. Virtual/online schools administered by for-profit entities were also a concern.

Out of concern about the proliferation of charter schools in the state, the study committee went back to the 2003 Constitutional amendment that replaced the State Board of Education with the PEC reporting to a governor-appointed Public Education Secretary. The enabling legislation limited the powers of the PEC to authorizing state charter schools. The League did not support this Constitutional amendment.

League advocacy has resulted in the strengthening of the PEC's financial, operational, and academic performance standards and its measures of accountability. As a result of these more stringent standards and increased public scrutiny, the PEC is authorizing and renewing fewer state-chartered schools. Further advocacy is needed to assure that charter schools complement district educational programs but do not duplicate them. The League continues to advocate for uniform accountability requirements for all public schools and for measures to ensure that charter schools serve unmet needs.

*Meredith Machen (2020)*

## **Funding for Public Education** (Adopted 1973; revised 1983, 1993, 2002, 2007, 2015)

**The League of Women Voters of New Mexico supports use of a distribution formula that reflects differences in student needs, teacher experience and qualifications, the number of schools and students in a district, level of education, capital outlay, and transportation requirements.**

**Programs that foster children's language development, from birth to age 5, for success in kindergarten and beyond should be adequately funded.**

**The New Mexico State Equalization Guarantee funding formula should be used to achieve equity and to provide fair funding for every child based on need, regardless of location. There should be periodic review and modifications to assure that the formula is faithful to its original intention.**

**Funding should provide for high quality education for all students and be consistently and fairly applied across the state.**

**Local school districts should control the funds distributed to them by the state.**

**All state and federal mandates should be accompanied by funding so as not to place an undue burden on the public schools.**



### ***History (of position formerly called Public School Finance):***

The study leading to this position was part of the study of state government financial practices adopted in 1969. In 1971 the LWVNM Convention voted to continue the study and specifically included school finances since over half of the funding for public schools in New Mexico came from the state and it was the single largest appropriation in the state budget. The position on the distribution formula called for a broadening of the base of the formula to include the factors listed. The New Mexico Funding Formula for public schools was developed in 1973 by the Governor's Advisory Committee on School Finances and was adopted in the 1974 Legislative Session. The position adopted in 1973 also contained a statement in favor of statewide kindergartens. This was accomplished in 1977 when the Legislature passed a bill that made half-day kindergartens mandatory on a statewide basis. This part of the position was dropped by the 1977 LWVNM Convention.

In 1983, in reviewing the position, LWVNM members decided that it was important to keep the statement describing the proper formula for the distribution of funds and simply changed the wording of the position to express continuing support for the proper formula.

In 1991 a “study of public-school financing at the state level to examine the sources and distribution of money” was adopted by the LWVNM Convention. Consensus was reached and in November 1992 the state board developed the statement supporting the New Mexico Funding Formula and the position supporting local school districts controlling the distribution of the funds given them by the state. This statement was added to the previous position.

Although the public-school financial operations were moved to the Department of Education in 1988, the language in the LWVNM position has been retained to show continuing support for this placement. The State Board of Education currently has 15 members; 10 are elected from specific districts in the state and five are appointed by the governor. This arrangement was a compromise reached when the public school finances were moved to the Department of Education.

A rewrite of the position was attempted in 1995 to comply with the direction from the 1993 LWVNM Convention to rewrite all LWVNM positions to be clearer and more concise. The 1995 Convention rejected the proposed revision of the position and voted to keep the 1993 version with minor format changes. The Convention then directed the state board to appoint a committee to study the position and to recommend possible changes or revisions. The Convention then directed the state board to appoint a committee to study the position and to recommend possible changes or revisions. However, the position remains largely unchanged.

The League used this position to support review and possible revision of the state funding formula in 2010 and 2011.

## **SOCIAL POLICY** (Revised 2019)

### **Affordable Housing** (Adopted 2013)

**The League of Women Voters of New Mexico supports current and future efforts to increase the availability of safe, decent, and affordable housing for moderate and low-income households through the following actions:**

- 1. increase housing options for households in New Mexico, including but not limited to seniors, the**

- disabled, and first-time homebuyers;**
- 2. promote a variety of housing styles and types for rent and for purchase that are integrated within communities;**
- 3. support strategies including public and private partnerships and grants, developmental agreements, rehabilitation, fee waivers, density bonuses, and an affordable housing trust fund and land bank;**
- 4. support policies that link transportation, land use, and affordable housing.**

### ***History:***

At the 2013 LWVNM Convention, delegates adopted by concurrence this position on affordable housing. The League of Women Voters of Greater Las Cruces (LWVGLC) adopted the original position in 2012 after careful study of housing needs in their area and in New Mexico. While there are some general LWVUS positions on Meeting Basic Human Needs (revised in 1989), these do not speak directly to housing needs in New Mexico.

Governments (national, state, and local) are primary funders of and catalysts for the development of affordable housing. Along with education and food, decent and safe housing is one of the principal human needs and is foundational for achieving a wholesome life. There is an ongoing LWVGLC Affordable Housing Committee (composed of Christina Little and Vicki Simons, Co-Chairs, Jane Carter and Charlotte McCarthy) that is knowledgeable about state housing issues. The need for affordable housing is widespread throughout the state. The state of New Mexico has a direct and immediate role in providing housing opportunities and related services, both through a wide variety of legislation and through the ongoing actions of the New Mexico Mortgage Finance Authority (MFA), which provides financing throughout the state for housing and related services to low- to moderate-income New Mexicans. MFA administers more than 35 programs that finance housing for the homeless, develop new affordable housing, and help families become first-time homeowners. MFA partners with lenders, realtors, non-profit organizations, local governments, and developers to make its programs available to all eligible New Mexicans.

Albuquerque and Las Cruces are the only municipalities that directly receive HOME Investment Partnerships Program (HOME) and Community Development Block Grant (CDBG) funds. MFA receives and disburses this federal funding for all other areas of the state. It is also the agency that evaluates and awards Low Income Tax Credits for projects throughout New Mexico. These tax credits are one of the most effective tools for the creation of affordable housing. LWVNM can play a critical role in the promotion of affordable housing in New Mexico, both by lobbying the State Legislature and by paying appropriate attention to the workings of MFA. This organization has enormous power but little public inspection or review. For more information on the MFA, see <http://www.housingnm.org/>.

### **Child Care (Adopted 1978; revised 1983, 2003)**

**The League of Women Voters of New Mexico believes there should be an adequate supply of good quality child care throughout New Mexico, both in child care centers and in family day care homes, to be implemented by:**

- 1. fiscally responsible planning and use of private, industrial and government funds;**
- 2. appropriate licensing requirements and supervisory procedures;**
- 3. support services for parents;**
- 4. efforts to make quality child care available to all who need such services;**
- 5. programs to meet the before and after school needs of school-age children.**

## *History:*

In 1951 the LWVNM Convention added to the study to examine and evaluate state government a study of New Mexico's adoption laws, needed changes and administration. This addition was dropped, however, at the 1952 Convention and for the next 15 years state League concentrated on mainly on government issues with some attention to education funding. The work done in those years in understanding and influencing the structure of state government provided a good foundation for LWVNM to move into social policy issues.

In 1977 the LWVNM Convention voted to adopt by concurrence the Albuquerque/Bernalillo County League's position on child care and in November 1977 the LWVNM Board developed the statement of position. This position included a statement of support for specific legislation.

In the 1979 Legislature, major progress was made toward addressing the day care needs of low-income households with an important shift away from reliance on federal funding.

At the 1983 LWVNM Convention the statement of support for specific legislation and the list of bills it included was dropped from the position.

*Shelly Shepherd*

**Children and Families** (Adopted 1977; Revised 1978, 1979, 1985, 1993, 1995, 2003, 2015)

**The League of Women Voters of New Mexico believes that our state has no resource of greater importance than its children. Programs, personnel and facilities that promote and encourage the child's fullest development must be a high priority within the private sector as well as in city, county and state governments.**

**LWVNM believes that social, economic and legal concerns must be interconnected for the fair and equitable treatment of all children.**

**LWVNM supports a continuum of services that is available to all children and their families.**

**The programs in the continuum should include, but not be limited to: prevention; intervention, family support, education, enhancement of physical, emotional, and social well-being; substitute care; and juvenile justice programs. The programs and associated services in the continuum should be community-based wherever feasible.**

**The League of Women Voters of New Mexico supports the establishment of rigorous standards for all facilities serving children and youth and the development of clear professional guidelines for all staff members. Programs should include but not be restricted to:**

### **Physical and Emotional Health and Well-being**

- 1. Crisis intervention services available locally;**
- 2. Community diagnostic and/or evaluation procedures.**

### **Substitute Care (out of home care)**

- 1. Carefully supervised crisis shelter care that would separate neglected and abused children from juvenile offenders;**
- 2. Provision of group homes, residential treatment centers, foster and therapeutic foster homes.**

## **Family Support**

- 1. Community-based programs for intervention and diversion. Services should include family, individual and group counseling and therapy, youth advocacy and referrals;**
- 2. Parenting education;**
- 3. Family crisis and domestic relations intervention.**

### ***History (position formerly called Juvenile Concerns):***

In the LWVNM studies in the 1950's and 60's on state government, there was attention to the juvenile justice system. In the position on the Judiciary which was adopted in 1962, there is a statement calling for adequate personnel for the juvenile court. The Judiciary position statement does not cover other facilities and programs needed to address the wide range of services needed by troubled children and juveniles. In 1972 the Children's Code passed in the New Mexico Legislature.

At the 1976 LWVNM Council it was proposed that the state League concur with the Juvenile Justice position of the League of Women Voters of Santa Fe County. In January of 1977 the State Board issued a statement of position that called for adequate and qualified probation personnel for juvenile courts, community-based treatment programs emphasizing prevention and treatment and listed some specific facilities required.

In 1978, with funding from the New Mexico Humanities Council, LWVNM produced a television series on troubled children. Also in 1978, LWVNM Council proposed that the Juvenile Justice position be rewritten to represent a refinement of concepts already approved by the concurrence done in 1976. Local Leagues concurred with the changes in September of 1978 and the revised position was adopted by the LWVNM Board.

In 1979, League members were appointed to serve on the International Year of the Child Commission and the Governor's Task Force to review the Children's Code. In the 1979 session of the Legislature, there was evidence of a shift toward acceptance of fiscal responsibility for neglected and abused children. A new Youth Services Center was established under the Governor's office. The 1979 LWVNM Convention approved a "study of New Mexico's services for troubled children: how they are funded."

The 1981 Legislature received the recommendations from the Children's Code Task Force and the proposed changes became a hotly debated issue. Some of the changes adopted made the law tougher on juvenile delinquents. However, the League, working with a strong coalition of advocates for children and youth, was successful in adding language that provided for a "continuum of services" for children and their families. The "continuum of services" language became the foundation on which advocates have since built services for children and youth.

At the LWVNM Convention in 1985, statements were dropped from the position which called for medical care for medically fragile children and for post-partum and pediatric care freely available to teenage mothers and fathers.

In 1986, with the update of the Juvenile Justice position completed, LWVNM went to LWVUS Convention with a request for national concurrence with the New Mexico position. There was a great deal of interest in the position and considerable support but the Convention, on a very close vote, refused to consider the proposal.

The LWVNM Convention in 1987 adopted a "study on the impact of the Mental Health and Developmental Disabilities Code on children."

The 1987 LWVUS conference on “Meeting Basic Human Needs: Creating a Climate for Change” precipitated several activities by Leagues around New Mexico as well as a precedent-setting action by LWVNM. LWVNM proposed to lobby the 1988 Western Governors’ Conference on the basic human needs. A packet of information was sent to the state Leagues in all states whose governors attended the Western Governors' Conference. In addition to New Mexico, the Nevada, Colorado and Hawaii Leagues sent letters to their Governors. LWVUS informed LWVNM that this was the first ever attempt at regional lobbying.

In 1988, as one of the last of the 1981 Children's Code Task Force's recommendations, the Legislature passed the Youth Authority Bill which combined funding for juvenile justice programs in one authority.

The 1989 LWVNM Convention extended the study of the Mental Health and Developmental Disabilities Code for one year in order to enable more Local Leagues to participate. It was found that not all Local Leagues could reach consensus on this study. In 1990, the LWVNM Board determined that there was no consensus and no position could be adopted on this issue.

LWVNM lobbied in the Legislature for a continuum of care for children, adolescents and families. In 1991 LWVNM supported legislation to set up a new Department of Children, Youth and Families. The 1993 Legislature made a number of changes in the Children's Code. In addition to attention to the Code, LWVNM lobbying was aimed at maintaining funding for the Children, Youth and Families Department.

At the 1993 LWVNM Convention several editorial changes were made in the Juvenile Justice position to keep the language current, *e.g.* Children In Need of Services (CHINS) was changed to Families In Need of Services (FINS). The 1993 Convention also gave direction to the LWVNM Board to rewrite all state positions to be clearer and more concise. As a result, the Juvenile Concerns position was extensively revised. The 1995 LWVNM Convention approved the rewritten position.

In the 1995 Legislature LWVNM lobbied, in cooperation with other advocates, in support of a number of bills for children. Many of these bills were passed but were vetoed by the Governor.

The final statement was adopted in 2001. In 2003, the position was revised to remove out-of-date references and increase the emphasis on family and community support.

*Shelly Shepherd*

## **Economic Development** (Adopted 2003, revised 2009)

**The League of Women Voters of New Mexico supports economic development with a focus on:**

- 1. economic growth more than population growth;**
- 2. good jobs with good wages;**
- 3. quality of life;**
- 4. consistency with protection of the environment and natural resources, particularly water; and**
- 5. capitalizing on what is already here, such as existing businesses, technologies, and people (*e.g.* creativity).**

**The League of Women Voters of New Mexico believes that the state should have a strong leadership role in planning, implementing, and funding economic development. This role should include:**

- 1. supporting/assisting state regions in developing their own unique plans;**

2. **developing an excellent educational system;**
3. **expanding the use within the state of the capabilities of the universities and the labs; and**
4. **providing centralized expertise for specialized areas such as technology commercialization, international trade, intellectual property, and regulatory approvals.**

### **Fair Lending Practices** (Adopted 2017)

**The League of Women Voters of New Mexico supports policies, legislation, and programs that enable a small dollar loan market that maintains access to affordable credit while safeguarding consumers.**

**The League believes that a loan is affordable if the borrower can repay the loan and cover basic expenses without borrowing again or obtaining money from another source. Governments should be able to regulate lending in order to achieve a viable small dollar loan market that provides consumer access to affordable credit and safeguards against predatory lending. Criminal charges and penalties for loans in default should be explicitly prohibited by New Mexico law.**

**The League supports:**

1. **consumer credit regulations that increase restrictions on short-term loans and require lenders to offer affordable loans;**
2. **financial education measures that increase the ability of consumers to successfully use small dollar loan financial products.**

#### *History:*

The 2017 Convention adopted this position by concurrence with LWVTX.

*Chris Furlanetto (2019)*

### **Gun Safety** (Adopted 2017, revised 2019)

**The LWVNM supports regulation of firearms for public safety.**

#### *History:*

The 2017 Convention adopted a two-sentence version of the LWVUS Gun Safety position.

The 2019 Convention then approved a single word change in the second sentence of the 2017 position: ‘consumer’ was changed to ‘public.’ This change was proposed by LWVSFC. Additionally, the first sentence of the 2017 position “Protect the health and safety of citizens through limiting the accessibility and regulating the ownership of handguns and semi-automatic weapons” was deleted.

*Chris Furlanetto (2019)*

## **Health Care** (Adopted 1991; revised 1993, 2005, 2007, 2017, 2019)

**The League of Women Voters of New Mexico supports a health care system that provides a comprehensive level of health care for New Mexico residents and recognizes the need for efficient management of health care costs.**

**The League of Women Voters of the United States believes that public policy in a pluralistic society must affirm the constitutional right of privacy of the individual to make reproductive choices.**

**Every New Mexico resident should have a comprehensive level of health care. The League favors a national health insurance plan, but until one is in place, the League supports expansion of state and federal plans. (Revised and adopted 2005.)**

**LWVNM believes that any health system implemented should have the following:**

- 1. Quality health coverage for all New Mexicans: Every New Mexican should have full health care coverage, a benefit package that is at least equal to the best plan offered to state employees, and access to the services covered. Participation should be mandatory. Pre-existing conditions should not be excluded from coverage.**
- 2. “Seamless” coverage and continuity of care, to the extent possible, regardless of changes in life circumstances such as change in employment, marital status, financial status, or health status.**
- 3. Effective cost management: Cost management should increase the health care benefits that accrue to patients from any given level of spending. Cost and pricing data from private and government sources should be transparent.**
- 4. Improvement of health care quality and safety: A comprehensive effort to improve the quality and safety of health care in New Mexico should be launched and sustained, with dramatically increased public funding.**
- 5. Equitable funding: Reform should seek to reduce or eliminate cost-shifting across categories of insurance programs and payers, both public and private, and to make the distribution of financial burdens more equitable. Billing should be comprehensible and transparent.**
- 6. No one should be forced into poverty because of medical needs.**
- 7. Simplified administration: Reform should include the development of standardized forms, minimization of complicated co-pays/deductibles, and assurances of timely payment to provider. (Adopted 2007.)**

### ***History:***

In 1983 the LWVNM Convention adopted “a study of health funding in New Mexico with special emphasis first on 'certificate of need.’” The study was to research regulations and new developments in funding for health care. It was also to research the advisability of reinstating the “certificate of need” formerly required in order to establish a hospital in a New Mexico community. The requirement for a certificate had been abolished by the State Legislature. In the fall of 1984, the LWVNM Board reviewed the consensus reports from Local Leagues and determined that due to the wide-ranging responses to consensus questions no statewide consensus had been reached.

In 1989 delegates to the LWVNM Convention adopted a new study of “delivery of health care to the working poor and other medically indigent persons.” Medically indigent was interpreted to mean those having no health care insurance; it was determined that 25% of the population of New Mexico had no health coverage. Consensus was reached on this study in 1990, and a statement of position was adopted by the State Board in January 1991. LWV members participated in a Legislative Task Force which drew up a

number of bills for the 1991 Legislative Session. LWVNM successfully supported four bills on the basis of the new consensus.

The 1991 LWVNM Convention voted to continue in the health care area by adopting a study “to investigate the rationing of health care and to examine the current and potential uses of County Hospital Claim Act funds.”

The 1992 LWVNM Council determined that the LWVUS Health Care Study adopted in 1990 superseded the rationing part of the study, and it should be discontinued. The County Hospital Claim Act funds part of the study had not been carried out because Local Leagues chose to place their effort and emphasis on the LWVUS study and it was formally dropped.

A major activity of the LWVNM Health Care Committee from 1991-93 was to follow the proceedings of the Health Policy Commission and the Medicaid Task Force.

At the 1993 LWVNM Convention the original position was changed to delete an opening statement referring to the LWVUS position on health care. Other changes made were editorial changes required because of the deletion.

During 1993 and 1994 there was much attention to national health care. The President's proposals for universal reform of the health care system were rejected. Costs became a focal point of the debate and incremental change seemed to be preferred over comprehensive reform.

*Dick Mason (pre-2005)*

***Post-2005 changes:***

In 2017 Convention delegates approved a reorganization of the Health Care position. Delegates also concurred with LWVUS to include its language on reproductive choice and with LWVWA on bullets #2 and #6 above.

The 2019 Convention approved adding the last sentence above to #3 and #5 to include transparency language for costs, prices and billing. The changes were proposed by Akkana Peck (LWVLA) as the only modifications recommended in the existing position after review by the Health Care Study committee.

*Chris Furlanetto (2019)*

**Death with Dignity** (Adopted 2017)

**The League of Women Voters of New Mexico believes:**

- 1. State laws should grant the option for terminally ill people to request medical assistance from a licensed physician to end their lives;**
- 2. Such legislation should provide safeguards against abuse for the dying and/or medical personnel.**

***History:***

This position was adopted by concurrence with LWVUT, proposed by George Richmond (LWVCNM).

*Chris Furlanetto (2019)*



**Mental Health** (Adopted 2013)

The League of Women Voters of New Mexico (LWVNM) expects state and local governments to support an adequately funded mental health care system that provides comprehensive services to the acutely, chronically and seriously mentally ill of all ages; maintains optimal mental health services for all clients; places emphasis on meeting the needs of children; offers mental health services for the homeless; seeks additional funds for preventive services; implements a master plan to integrate services; raises awareness of critical unmet needs; and emphasizes case management.

**LWVNM specifically supports:**

1. **Adequately funded mental health care systems that:**
  - a. **provide comprehensive services to the acutely, chronically and seriously mentally ill of all ages;**
  - b. **place emphasis on meeting the needs of children;**
  - c. **seek additional funds to provide preventive services;**
  - d. **offer mental health services for the homeless;**
  - e. **maintain optimum mental health services for all clients.**
2. **Implementation of a master plan that:**
  - a. **ensures that there will be a network of integrated services, clearly defined and consistent with a community support model;**
  - b. **advocates an awareness of and concern about the critical unmet needs;**
  - c. **emphasizes case management that includes assistance with housing, financial entitlements, rehabilitative and vocational programs.**
3. **Centers for the seriously and chronically mentally ill apart from the county system.**
4. **Regulations that provide an adequate length of time for evaluation and treatment of involuntary holds.**
5. **Model mandatory outpatient care programs with adequate supervisory staff.**

***History:***

The above position was adopted by concurrence at the 2013 LWVNM Convention. It is a compilation of two positions developed after extensive study by the League of Women Voters of Greater Las Cruces (Adopted 2010) and the League of Women Voters of California (Adopted 1998). In addition to adopting this position, the delegates also adopted a two-year study on Mental Health Care Services in New Mexico.

The study, chaired by Jan and Olin Bray and Shelly Shepherd resulted in no recommendations for changes to the 2013 position.

*Chris Furlanetto (2019)*

**Reproductive Health** (Adopted 2019)

The League of Women Voters of New Mexico supports every woman's right to access affordable, high-quality reproductive health care, including access to abortion services and birth control.

**LWVNM supports:**

- reproductive rights — including access to abortion — as a health care issue decided by a woman and her health care provider
- birth control as well as access to publicly funded family planning services.

LWVNM opposes:

- statutory and regulatory restrictions on birth control and/or abortion.

***History:***

The Board approved this position by concurrence with LWVFL's position after making selected wording changes. Barbara Calef and Meredith Machen proposed the concurrence.

*Chris Furlanetto (2020)*

**Immigration** (Adopted 2019)

**LWVNM supports immigration policies that:**

- 1. promote reunification of families;**
- 2. meet the economic, business and employment needs of the United States;**
- 3. provide due process for those facing political persecution or humanitarian crises;**
- 4. provide for student visas;**
- 5. ensure fair treatment under the law for all persons;**
- 6. incorporate immigrants into our communities by providing access to education;**
- 7. endorse the development of secure identification documents;**
- 8. respect the right of state and local law enforcement personnel to perform their duties without the burden of enforcing federal immigration policies.**

**In transition to a reformed system, LWVNM supports provisions for unauthorized immigrants already in the country to earn legal status.**

***History:***

This new position, adopted through concurrence with a section of the LWVMN Immigration position, was proposed by Meredith Machen (LVSFC) and Barbara Calef (LWVLA).

LWVMN Immigration Position (see also <https://lwvmn.org/where-we-stand/other-positions>)

“Promote reunification of immediate families; meet the economic, business and employment needs of the United States; be responsive to those facing political persecution or humanitarian crises; and provide for student visas. Ensure fair treatment under the law for all persons. In transition to a reformed system, support provisions for unauthorized immigrants already in the country to earn legal status. (Note that this is the LWVUS position though it is punctuated differently from the way it appears in Impact on Issues).

Specifically, LWV Minnesota supports incorporating immigrants into our communities by providing access to education, by endorsing the development of secure identification documents, and by respecting the right of law enforcement personnel to perform their duties without the burden of interpreting federal immigration policies.”

*Chris Furlanetto (2019)*

## **Living Wage** (Adopted 2015)

**LWVNM believes that alleviating poverty is the shared responsibility of government, employers, individuals, and non-profit assistance organizations. All sectors should be involved in setting an adequate minimum wage or living wage. The living wage is the minimum required to avoid poverty without government assistance and subsidies. The living wage (gross income) should cover the costs of food, clothing, housing, energy, transportation, health care, K-12 education, child-care, taxes (income, Social Security), and supplemental expenses for work and school.**

**The LWVNM supports the passage by the state legislature of a minimum wage law tied to the cost of living and also supports the passage of minimum wage ordinances by local governments, if they perceive a need.**

### ***History:***

Adopted through concurrence with LWV Boulder County CO, proposed by Barbara Calef (LWVLA).

*Chris Furlanetto 2019*

## **Net Neutrality, High-Speed Internet, Public Access Media** (adopted 2018)

### **Net Neutrality**

**The League of Women Voters of New Mexico believes that a free and open Internet is increasingly important to the protection of individual liberties - freedom of speech, freedom of the press, and freedom of association - guaranteed by the U.S. Constitution. LWVNM also believes that net neutrality protections are essential for political discourse, dissemination of news, and democratic participation. Therefore, LWVNM supports protecting the open, neutral, and nondiscriminatory nature of the Internet.**

### **Universal High-Speed Internet for New Mexico**

**High-speed affordable Internet access is an essential service that should be readily available to all New Mexico residents and businesses. State and local government policies should support affordable broadband, wireless, and other means of high-speed Internet deployment throughout the state and should encourage consumer choice in broadband providers. Furthermore, LWVNM supports making high-speed Internet access available to all New Mexico residents, without charge, through schools, libraries, and other secure public buildings.**

**Efficient, high-speed access to the Internet for all New Mexico residents - regardless of geographic location or neighborhood demographics - is a necessity for ensuring equal access to local and state government, for maintaining openness and transparency in government activities, for communicating with legislative leaders, for engaging in political discourse, for competing in the global marketplace, and for assuring that voters receive the information they need to participate in our democracy.**

### **Public Access Media**

**LWVNM believes that community access television and radio channels – for public, educational, and governmental programming – must be adequately protected, promoted, and funded for New Mexico residents. Community access media should be available on basic service tiers and over the Internet. Government should provide opportunities for citizen participation in decisions regarding community access media.**

**Access to the public airwaves is essential to the public interest and to the League of Women Voters' mission and purpose: to protect civil liberties, to ensure open, transparent government, and to promote the public's right to know.**

***History:***

Adopted through concurrence with the LWV of Connecticut; proposed by Akkana Peck (LWVLA).

At the 2006 LWVUS Convention in Minneapolis, LWVCT proposed and caucused for a resolution to recognize a "Net Neutrality" position as based on League Principles. The Convention delegates adopted the Net Neutrality resolution but rejected another (also introduced by LWVCT) in support of community access television. Meanwhile, the Connecticut Dept of Public Utility Control (DPUC) ruled that Internet Protocol Television (IPTV), such as AT&T's U-verse service, is technically different from cable television (CATV) and so should be regulated differently. A federal judge ruled in contradiction to DPUC that IPTV is just like CATV. An appeal was filed.

In 2006-07, while LWVCT studied media issues, the General Assembly passed legislation that established the Connecticut Broadband Internet Coordinating Council (CBICC), consisting of academics, public officials and industry representatives, to study and advise the legislature on ways to increase high speed Internet availability in the state. Another bill, PA 07253, revised statutes to incorporate IPTV in the same regulatory area (under DPUC) as CATV. It also established a special fund to help cover capital costs for PEG TV programming and production.

In 2008, the LWVCT concurrence was still in process. Some unintended consequences of PA 07-253 had come to light. Delivery of PEG programs by an IPTV service provider was found wanting in most states where it was introduced; however, changes in the regulatory landscape made the problems difficult to address. PEG entities tried to push legislation during the 2008 legislative session to correct this, but the bill failed. In April, 2008, the LWVCT achieved concurrence on its "media study" positions dealing with net neutrality, universal access to high speed Internet, and community access television. The LWVCT monitored legislative initiatives in this area including the bill favored by PEG entities. Activity concerning Net Neutrality has been in Congress, in federal courts, and in the Federal Communications Commission. Although the LWVUS position is not a national League priority, the LWVCT continues to monitor national events.

During the 2010-2011 biennium, the LWVCT continued to attend CBICC meetings and offer comments. Universal availability and affordability of broadband, especially in low-income areas, appear to be the main questions before the Council. A presentation to legislature is expected in April 2012. Of concern to LWVCT is whether there will be effective legislation when terms expire in July 2012 for CBICC members, including key leadership.

The LWVCT also participated in the Connecticut Academy of Science and Engineering (CASE) Broadband Study Committee. The Committee is tasked with creating guidelines for the development of a strategic plan for accessibility to broadband services in the state. The Committee's report and related recommendations are due by the end of 2011.

In the area of community access television, 2009-10 was dominated by budget deficits and our efforts spent in futilely defending a special fund for capital expenses from "sweeps" into the General Fund. Over three legislative sessions, the LWVCT has testified and advocated for two concepts—(1) good signal quality for PEG programming on any cable/video service and (2) a regulatory performance review of all parties in the industry. Although the latter concept was included in a bill that won bipartisan support and passage in the

House in 2011, the bill died in the Senate. The LWVCT also testified in favor of a bill which would have provided incentives to satellite TV providers to carry the Connecticut Television Network (CT-N). That bill died too.

In 2011, the Public Utility Regulatory Authority (the agency which replaced DPUC in 2011) initiated a docket to consider how to review the expenses and operations of Community Access Providers, entities officially designated to provide PEG access television programming. The LWVCT submitted written comments to the agency on this docket in October 2011, incidentally commenting on the need to review the industry's role in PEG programming and on the role of broadband internet in this area.

## **Substance Abuse Policy**

**Drug Policy** (Adopted 1984; revised 2002, 2003, 2007, 2015, 2017)

**The term “drug” is meant to include all addictive drugs, including alcohol. The League of Women Voters of New Mexico supports:**

- 1. treatment for all persons with drug addiction;**
- 2. syringe exchange programs in New Mexico;**
- 3. rehabilitation programs;**
- 4. public education programs;**
- 5. close cooperation between tribal, local and state officials;**
- 6. adequate funding for enforcement, rehabilitation and education programs. These programs should be prudently and appropriately funded.**

### ***History:***

The once separate Driving While Intoxicated (DWI) Policy was combined with Drug Policy in 2007.

This position was adopted in 1983 through concurrence with the League of Women Voters of Santa Fe County.

Delegates to the 1993 LWVNM Convention reported that LWV continues to follow DWI issues and worked in the 1993 Legislature to strengthen laws to control drunk drivers.

Per Judy Williams' proposal, revisions were made in 2015 to align the LWVNM position with the LWVUS position.

In 2017 the previous Alcohol and Drugs positions were reorganized under the Substance Abuse heading.

*Dee Watkins, Jan Bray, Judy Williams, Chris Furlanetto (JW and CF for post 1993 additions)*

**Alcohol** (Adopted 2014)

**The League of Women Voters of New Mexico believes that alcohol abuse is a public health issue and can be most effectively approached as such.**

**To address the impact of alcohol abuse, the League supports the following:**

- 1. raising taxes on the sale of alcohol. Research has shown increasing taxes is the single most effective way to reduce death, harm, and costs associated with alcohol abuse.**

2. dedicating all funds raised by increasing taxes on alcohol to treatment and prevention programs. No taxes on alcohol should be distributed to the New Mexico General fund.
3. giving a high priority to screening and treatment solutions for alcohol abuse;
4. consolidating prevention programs to make better use of limited resources;
5. increasing the emphasis on community after-school services and supervision programs for minors;
6. enacting laws making consumption of alcohol by minors illegal except under the supervision of their parents.

The League's priorities for taking action to reduce alcohol abuse are:

1. establishing education and prevention programs, especially for minors;
2. developing and funding well-organized, efficient, and effective treatment programs with dedicated revenue streams;
3. increasing parental responsibility by means of education and social responsibility laws.

*History:*

This new position was adopted after a multi-year study chaired by Jan and Olin Bray.

*Chris Furlanetto (2019)*

*Sources: 'LWVNM Positions/History Document 9/20/14, prepared by Christina Little (1999), Kathy Campbell (2009), Meredith Machen (2013) last dated 6/26/2013; La Palabras post-2013, Board and Convention minutes 2014-2019, Chris Furlanetto, Barbara Calef, Judy Williams, Meredith Machen.*

**LWVNM may adopt and use new positions after consensus is achieved and once they are formally accepted by the Board. In odd-numbered years, LWVNM Convention delegates formally vote to adopt the new, updated, and continuing positions or to drop or modify them.**

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