

Feature

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### Constitutional Amendments

Yes to all

#### Amendment 1

The **Judicial Standards Commission** investigates allegations of misconduct leveled against the state's judges and judicial candidates. It's an independent agency, and in 2012, the commission received 230 complaints, which is the most it's ever handled. This amendment would add a municipal judge to the panel, as well as a citizen member, bringing the total to 13.



That sounds like a lot of cooks in the kitchen and could elongate the process. As things stand, there are six members of the general public on the panel, as well as two lawyers, two judges and a magistrate. The lineup lacks a municipal judge, which means when municipal judges are being investigated, someone who knows the demands of that job is not evaluating the situation.

That's a reasonable concern. The Alibi endorses this measure.

#### Amendment 2

This would increase the standards for public regulation commissioners, though it doesn't outline what the requirements would be. The Legislature would decide what qualifications are necessary for this job. That strikes opponents all wrong. Still, in our time covering elections, we've learned that the PRC is the agency people know the least about. And it oversees so much: utility rates, telecommunications, insurance, transportation, corporations. You name it, and these folks regulate it.

Most decisions made by this quasi-judicial authority require big piles of complicated reading and a nuanced understanding of the rules. It's a real shame when a politically connected loose cannon like Jerome Block Jr. lands a gig like this. We need smart folks in these seats. And while there's no guarantee that a college education makes you a smarter person, relevant coursework certainly doesn't hurt a PRC candidate. The Alibi endorses this amendment.

#### Amendment 3

Another problem at the PRC: The commission just has far too much on its plate. That's a lot of power for one group. It's not easy to file your paperwork in New Mexico if you're trying to register a business. In some cases, you've got to go to the Secretary of State's Office. In others, it's the PRC. Amendment 3 would put all of that responsibility with the SOS.

Sure, it would require a bit of financial juggling and sorting out, but it's still a good idea. The Alibi endorses this amendment.

#### Amendment 4

This year, the Center for Integrity gave our Insurance Division an "F." The failing grade comes after the division was put on probation in 2010 by the National Association of Insurance Commissioners. The division is housed under—you guessed it—the PRC.

It's been suggested that part of the Insurance Division's troubles is that it's not an independent agency with a clear, cabinet-level superintendent. That's the model 35 other states in the union have adopted. Think New Mexico suggested last year that chipping off the Insurance Division and making it an independent entity would be best. Plus, insurance is not an easy industry to navigate, so the task requires dedicated experts.

The Alibi endorses this amendment.

#### Amendment 5

We've never understood why things work this way: Judges are independent, the district attorney is elected and independent, but the Public Defender's Department is under the thumb of the gov. In 2005, the Legislature passed a bill saying the governor shouldn't appoint this position because it's a conflict of interest. You see, the gov, in part, sets crime policy. And the public defender should be able to defend accused folks without worrying what his boss is going to think. Gov. Bill Richardson vetoed that bill.

Here's another quandary: The state's Public Defenders Office doesn't get as much money as the district attorney—nowhere near as much. That means the state's prosecutors, who lock folks up, are better funded than the state's defenders, who protect people's rights. And how is the chief public defender supposed to ask the gov for more cash without jeopardizing his job? (Not to mention that New Mexico's governor was once a DA.)

The Alibi has its fingers crossed that this amendment gets your approval. It could help level the playing field.