

**CITY OF SANTA FE
ETHICS AND CAMPAIGN REVIEW BOARD**



KAREN HELDMEYER,

Complainant,

v.

Case No. 2017-1B

PRE-K FOR SANTA FE,

Respondent.

**WAIVER OF PRE-K FOR SANTA FE
POLITICAL COMMITTEE**

Introduction

Pursuant to SFCC § 6-16.7(E), Pre-K for Santa Fe ("Committee"), through undersigned counsel, submits to the Board this written waiver of a hearing in the above-referenced matter. In addition, the Committee waives its defense of the claim that the Committee violated SFCC § 9-2.5(B). Once the Committee learned that it had inadvertently omitted the disclaimer from the newspaper editorial, the Committee immediately remedied the error. In the interest of efficiency, and to avoid a waste of the Board's resources, the Committee will accept the determination of the Board as to whether, given the facts set forth in the Committee's Response filed April 3, 2017, the Board should issue a sanction pursuant to SFCC § 6-16.7(B)(1)(public reprimand) or § 6-16.7(B)(2)(fine not to exceed \$500).

Dated: April 10, 2017

Respectfully submitted,

By: /s/ Sara Berger

Sara Berger

Sara Berger Attorney at Law, LLC

P.O. Box 7808

Albuquerque, NM 87194

(505) 842-5074

Attorney for Pre-K for Santa Fe

CASE # 2017-1A

Complaint Form

(Please print or type)
(Additional pages may be added)

City of Santa Fe
Ethics & Campaign Review Board

Date: 3/22/17

1. Name of person and/or group charged with alleged violation. AVOYMODS
2. Please explain briefly the nature of the alleged violation. DISSEMINATING CAMPAIGN MATERIAL W/O IDENTIFYING SOURCE
3. Please state which specific provision(s) or part(s) of the Code of Ethics or Election Code you believe have been violated. SFEC 9-2.5 B & D
4. Please state the facts you have regarding the violations, including:
 the date(s) DISCOVERED 3/21/17
 the time(s) _____
 the place(s) _____
 people involved _____
 other facts _____
5. Are there any witnesses to the violation who are willing to confirm your charge?
 Please list with addresses, phone numbers and what they know. _____
6. Attach documentation of actual evidence you have to support your complaint, to this form.
7. What is your name? KAREN HELDMAYER
8. Address? 325 E BERGER ST Zip Code 87505
9. Telephone Number? (505) 982-5968 Work: _____
10. Email Address? KHELD@EARTHLINK.NET

Received on: March 22 2017

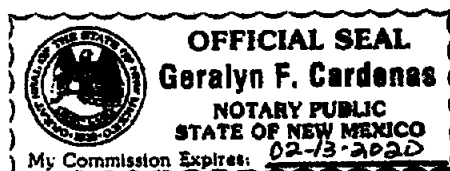
By: Geralyn F. Cardenas
City Clerk's Office

To the best of my knowledge, the above statements are true and complete.

[Signature]
Signature

Subscribed and sworn to before me this 22nd day of March 2017

(Seal)



[Signature]
Notary Public

March 22, 2017

Ethics and Campaign Review Board
City of Santa Fe
PO Box 909
Santa Fe, NM 87504
[hand delivered]

I saw the attached flier reprinting a *Santa Fe New Mexican* editorial of March 4, 2017, stuck in my gate on Tuesday morning, March 21.

The flier does not list a contact person nor a contact phone number. According to SFCC 9-2.5(B) and 9-2.5(D), materials such as this that are distributed by a political committee must contain that information. The only identifying information on this flier is the notation "labor donated". Without the identifying information, it is impossible to tell who is distributing it.

According to SFCC 9-2.3(N), a political committee is "any entity formed for the principal purpose of raising or collecting, and expending or contributing money or anything of value ... for supporting the approval or defeat of any ballot proposition." Note that even if costs are minimal, any entity fitting this definition that expends ANY funds is considered a political committee and must follow the dictates of SFCC 9-2.5.

I have been told by a few neighbors that individuals supporting the ballot proposition were walking the neighborhood this weekend. However, those neighbors did not notice whom those individuals represented, so I do not know if they represented a political committee or not.

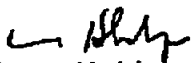
Additionally, SFCC 9-2.6 calls for groups or individuals who spend \$250 or more in a single election for public communication disseminated to 100 or more eligible voters which advocates for the approval or defeat of a ballot proposition shall file a report of their expenditures and contributions on specified days with the city clerk's office.

For the May 2 special election, the first such date is tomorrow, March 23.

I know that this election is drawing input from a number of different groups, some of whom have not participated in our elections before. It may be that some groups are uninformed about the rules in the Santa Fe Campaign Code. I am filing this complaint, in large part, to inform all relevant groups about the dictates of that code. I hope those groups are forthcoming about their expenditures and donors and that they clearly label all communications that come from them.

I hope that Ethics and Campaign Review Board examines all campaigning that is occurring for this special election and requires all entities covered by the Campaign Code to adhere to the letter of the law.

I would also urge all voters in the upcoming special election to disregard any information they receive that is not clearly labeled as to its origin.


Karen Heldmeyer

EDITORIALS

SANTA FE ♣ NEW MEXICAN

Our View: Pre-K for all? It's time

Saturday, March 4, 2017

Everyone knows that not all children in Santa Fe are prepared on the first day of school.

Anna might not be able to tell a teacher her name or address. Juan can't count to 10 or recite the alphabet. Tyler can't name his colors. Too often, children such as these start out behind and never catch up.

Yet despite understanding that early childhood education is essential to helping less privileged children start right on day one, the state of New Mexico has been unwilling — or too broke — to offer universal pre-K for all families who want it. Public schools have expanded access to early childhood education, but every year, families are turned away. There's not enough space. Other moms and dads cannot afford private preschool; it's simply too expensive.

Everyone understands this. What has challenged reformers is figuring out how to expand access to high-quality preschool, so that all families — especially those who most need it — can attend if they choose.

Making preschool a reality is not just the responsibility of parents or of the state's education system, but of the community. At least that is how Mayor Javier Gonzales sees it. And that's why he launched his Early Childhood Initiative, a plan to use city funds to make sure that all children can attend preschool if their parents so choose. He even figured out a way to pay for it.

On Wednesday, the Santa Fe City Council will decide if the mayor's plan to pay for pre-K will be presented to voters in a special election this May. While all agree that preschool is a worthy notion, there is much debate over how the mayor wants to pay to improve access. He is proposing a 2-cents-per-ounce tax on sugary drinks, estimated by the city to bring in \$7.7 million a year in new revenue. Those dollars would be spent making pre-K more widely available, using existing programs and providers.

The debate over taxing sugary drinks is beyond contentious already, with the goal — paying for preschool — becoming lost in the commotion. This is not a step for Santa Fe to take lightly. A so-called soda tax will impact families with less money more (although,

to be fair, no one has to drink sodas or other sugary drinks). That's concerning. It is true, as critics point out, that if people drink fewer sodas because they are more expensive, the revenue stream to pay for preschool could be inadequate. City councilors have questions, too, wondering about how the tax will be collected and how the money will be handed out. Good, let's have the debate. It's important.

What we have learned is encouraging. The tax is on soda and sugary-drink distributors — that means the local Coca-Cola plant, but also grocery store supply chains and big corporations such as Starbucks that sell sugar-sweetened drinks. The city plan calls for hiring a half- or full-time city employee to oversee collections, as well as a third-party vendor that specializes in such taxes. A soda tax should not lead to the creation of a new bureaucracy.

At the distribution point — where money is given to provide more preschool slots — the good news is that Santa Fe has a strong early childhood education infrastructure in place. There is Santa Fe Community College's Early Childhood Center of Excellence, Santa Fe County United Way preschool initiatives, Head Start, Santa Fe Public Schools and many private providers. City dollars will supplement what is already here. The goals are for more classrooms across the city to meet quality benchmarks under the National Institute for Early Education Research, for more families to be able to afford to send their children and for space to be available. Part of the initiative includes training, the creation of 56 new classrooms and employment of at least 196 additional teachers, administrators and staff.

Importantly, the city is not going to set up shop as a preschool provider. Key words from the city's plan: "Build on, but don't duplicate, Santa Fe's early childhood capacity and assets."

In a perfect world, the public school system would have all the money it needs to provide much-needed pre-K. Private providers would offer scholarships so that all families could afford to send children. A city such as Santa Fe, whose chief responsibilities are picking up trash, maintaining roads and ensuring public safety, would be less involved when it comes to ensuring the welfare of children. That is not the world in which we live.

Mayor Gonzales and his Pre-K for Santa Fe supporters see an acknowledged need. Nearly 1,000 3- and 4-year-olds in Santa Fe lack access to high-quality early learning programs. Some 72 percent of the children identified are Hispanic, with more than 58 percent living in households with an income below 200 percent of the federal poverty level, or \$36,325 for a family of four. The children who most need these educational opportunities, in other words, don't have them.

The mayor's Pre-K for Santa Fe plan identifies the need and finds a way to pay for it. On Wednesday, city councilors should ask their questions and hammer out differences — Santa Fe needs for this to be done right. Then, let the voters decide. Sooner, rather than later, not just because children are waiting but to avoid a long, ugly campaign. Pre-K for Santa Fe? It's about time.

AMENDED
Complaint Form
(Please print or type)
(Additional pages may be added)

CASE # 2017-1B

City of Santa Fe
Ethics & Campaign Review Board

Date: 3/23/17

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Received on: March 23 20 17

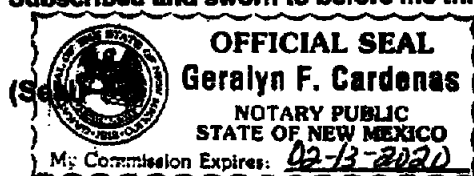
By: Geralyn F. Cardenas
City Clerk's Office

To the best of my knowledge, the above statements are true and complete.

[Signature]
Signature

Subscribed and sworn to before me this 23rd

day of March 20 17



[Signature]
Notary Public

Complaint says pro-tax fliers are unlabeled

By T.S. Lutz/Journal North

Published Wednesday, March 22nd, 2017 at 8:11pm
Updated Wednesday, March 22nd, 2017 at 8:11pm

SANTA FE - A complaint has been filed with Santa Fe's Ethics and Campaign Review Board over apparent campaign fliers consisting of copies of a newspaper editorial supporting Mayor Javier Gonzales' ballot measure to tax sugary drinks to finance pre-kindergarten programs.

The material showed up at homes in the South Capital neighborhood recently and, in at least one case, came without any information on who or which group was distributing the fliers. A copy that former City Councilor Karen Heldmeyer found attached to her gate Tuesday and that she submitted to the ethics board said only "labor donated" at the bottom of the page.

In a letter submitted with her complaint, Heldmeyer cites the section of the city campaign code that requires political committees to identify themselves on their campaign materials. "Without the identifying information, it is impossible to tell who is distributing it," she wrote.

A leader of Pre-K for Santa Fe, a political committee supporting the tax, acknowledged Wednesday that the PAC distributed the print-out of a Santa Fe New Mexican editorial. "Copies that I've seen have our tag line," said Sandra Wechsler of Pre-K for Santa Fe. "If it doesn't, it was definitely an oversight on our part. We will make sure that future materials have the tag line."

Registered voters in Santa Fe will vote May 2 to decide whether a 2-cent-per-ounce tax should be placed on distributors of sugary drinks. Gonzales says the tax would generate more than \$7 million per year that could be used to expand pre-K programs in Santa Fe, providing an additional 1,000 slots for children ages 3 and 4. Opponents say it unfairly targets certain businesses and consumers and could mean job losses.

Heldmeyer says in her letter that she wants to make sure everyone is following the election rules. "I am filing this complaint, in large part, to inform all relevant groups about the dictates of that code. I hope those groups are forthcoming about their expenditures and donors and that they clearly label all communications that come from them," she wrote, adding that she hopes that the review board makes sure that entities covered under the code "adhere to the letter of the law."

The first campaign finance reports for the May 2 election, where political committees are required to report their revenue sources and spending, are due in the city clerk's office today.

LOCAL NEWS



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4 Remaining

Complaint filed over soda tax flier

Print Post Date



Karen Heidmeyer

Posted Wednesday, March 22, 2017 11:30 pm | Updated: 11:50 pm
Wed Mar 22, 2017

By Howard Engstrom
The New Mexican

The campaign manager for a group backing a proposed tax on sugary beverages in Santa Fe said Wednesday it was an oversight to distribute a flier without identifying who was responsible for the handout.

The anonymous flier prompted a former city councilor, Karen Heidmeyer, to file a formal complaint with the city Ethics and Campaign Review Board after she found the one-page document stuck in a gate Tuesday at her South Capitol residence.

"It's ours," Sandra Wechsler, campaign manager for the political action committee Pre-K for Santa Fe, said when contacted by *The New Mexican*. "It was a mistake not to put our tagline on it. It was an oversight on our part, and we'll make sure it doesn't

happen again."

Her group is one of several trying to sway voters in advance of a May 2 special election on

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whether the city should impose a 2-cents-an-ounce tax on sugar-sweetened drinks in order to fund early childhood education programs. Supporters of the initiative have been going door to door in various neighborhoods, leaving literature touting the educational benefits of expanding prekindergarten programs and the health benefits of discouraging sugar consumption.

While some printed material clearly identifies Pre-K for Santa Fe as responsible for the messages, the anonymous flier discovered by Heldmeyer is a reprint of a *Santa Fe New Mexican* editorial of March 4, headlined "Pre-K for all? It's time." The editorial was published a few days before the mayor and City Council — with the exception of Councilor Ron Trujillo — voted to schedule the special election despite objections from business groups and other tax opponents.

The only other information on the flier is a small notation that says "Labor donated."

Heldmeyer's complaint says a city ordinance requires that materials distributed by political committees seeking approval or defeat of a ballot proposition must list a contact person and phone number.

"I hope that the Ethics and Campaign Review Board examines all campaigning that is occurring for this special election and requires all entities covered by the Campaign Code to adhere to the letter of the law," she wrote.

When told that Wechsler had acknowledged her group was responsible for the flier, Heldmeyer said Wechsler should understand the city's campaign laws. The Santa Fe political consultant managed campaigns for former Mayor David Coos and helped form Progressive Santa Fe PAC, which campaigned on behalf Mayor Javier Gonzales' election three years ago.

When asked what response she hopes her complaint brings, Heldmeyer said the political committee "at the very least" should account for funds spent on the flier and should "offer some type of public apology."

Thursday is the deadline for political committees involved with the tax issue to submit initial campaign finance reports to the City Clerk's Office.


A group called Better Way for Santa Fe & Pre-K, whose supporters include makers and distributors of soft drinks, has campaigned against what it calls an unfair tax, saying it would hurt consumers and businesses, could cost jobs and would provide an unstable source of revenue for early childhood education programs.

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Posted to Local News on Wednesday, March 22, 2017 11:50 pm. Updated: 11:50 pm.


FLYERS AND COUPONS




DICK'S
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MATTRESS FIRM
A LONGER
LIFETIME
OPPORTUNITY
HOVER FOR CIRCULAR




STAPLES
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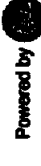
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CITY CLERK'S OFFICE

DATE 4/3/17 TIME 11:55 am

SERVED BY [Signature]

CITY OF SANTA FE
ETHICS AND CAMPAIGN REVIEW BOARD

RECEIVED BY [Signature]

KAREN HELDMEYER,

Complainant,

v.

Case Nos. 2017-1B; 2017-2

PRE-K FOR SANTA FE,

Respondent.

RESPONSE OF PRE-K FOR SANTA FE
POLITICAL COMMITTEE

Introduction

Former Santa Fe City Councilor Karen Heldmeyer filed two complaints with the Santa Fe Ethics and Campaign Review Board ("ECRB") against the political committee, Pre-K for Santa Fe ("Committee"), alleging violations of the reporting and disclaimer requirements of the Santa Fe Election Code ("SFEC" or "the Code"). See Complaints filed by Karen Heldmeyer, March 22, 2017 (Case No. 2017-1B), and March 27, 2017 (Case No. 2017-2). This Response addresses both Complaints.

In her first Complaint, Ms. Heldmeyer states that she received a copy of a Santa Fe New Mexican editorial piece at her home but the editorial did not specify a political committee sponsor pursuant to §§ 9-2.5(B) or 9-2.5(D). In her second Complaint, Ms. Heldmeyer states that the Committee failed to check the business contributor box of the Committee reporting form, in violation of SFEC § 9-2.12(B). Because Ms. Heldmeyer's Complaints fail to allege facts sufficient to show probable cause of any violation, they should be dismissed as a matter of law.

Argument

The ECRB must dismiss a Complaint if the Complainant fails to allege legally sufficient facts which, if true, show probable cause to believe that there was a violation of the election code. SFCC § 6-16.4(A)(1).

As a threshold matter, laws governing the regulation of political speech must survive exacting scrutiny. *See McIntyre v. Ohio Elections Comm'n*, 514 U.S. 334, 347 (1995) ("When a law burdens core political speech, we apply 'exacting scrutiny,' and we uphold the restriction only if it is narrowly tailored to serve an overriding state interest."). This is so because "[d]iscussion of public issues [is] integral to the operation of the system of government established by our Constitution. The First Amendment affords the broadest protection to such political expression in order to assure the unfettered interchange of ideas for the bringing about of political and social changes desired by the people." *Buckley v. Valeo*, 424 U.S. 1, 14 (1976) (internal quotations and citations omitted). This is particularly true in a ballot initiative election such as this. As the Tenth Circuit Court of Appeals explained:

There is nothing novel about requiring election campaign committees in this country to file periodic reports, including disclosures of names of contributors and the amount contributed. Many judicial decisions have considered whether particular reporting and disclosure requirements can withstand scrutiny under the First Amendment. The great bulk of those decisions, however, concern committees that are working for or against candidates for public office. Reporting requirements are justified as necessary to police whether anyone is contributing more than allowed to a candidate (the contribution limits being justified, in turn, by the need to prevent quid pro quo corruption, and the appearance of corruption) and to give the electorate useful information concerning the candidate's views and those to whom the candidate is likely to be beholden.

At issue on this appeal is a different type of campaign committee, not one seeking to elect or defeat a candidate, but one seeking to prevail on a ballot initiative. A citizen voting on a ballot initiative is not concerned with the merit, including the corruptibility, of a person running for office, but with the merit of a proposed law or expenditure, such as a bond issue. As a result, the justifications for requiring disclosures in a candidate election may not apply, or may not apply

with as much force, to a ballot initiative. Disclosure may facilitate ad hominem arguments-for whatever they are worth-on the merits of the ballot initiative; but there is no need for concern that contributors can change a law enacted through a ballot initiative as they can influence a person elected to office.

Sampson v. Buescher, 625 F.3d 1247, 1248-49 (10th Cir. 2010) (finding unconstitutional Colorado's campaign disclosure law as applied to a ballot measure committee that spent less than \$1,000 on advertising).

The U.S. Supreme Court addressed these fundamental principles in *McIntyre*, a case involving the distribution of anonymous leaflets opposing a proposed school tax levy. The Supreme Court, in finding unconstitutional (as applied) Ohio's statute prohibiting the distribution of campaign literature that did not contain the name and address of the person or campaign official issuing the literature, noted that "handing out leaflets in the advocacy of a politically controversial viewpoint is the essence of First Amendment expression." *McIntyre* at 347. The Court continued:

That this advocacy occurred in the heat of a controversial referendum vote only strengthens the protection afforded to Ms. McIntyre's expression: urgent, important, and effective speech can be no less protected than impotent speech, lest the right to speak be relegated to those instances when it is least needed. No form of speech is entitled to greater constitutional protection than Mrs. McIntyre's. *Id.* ...Under our Constitution, anonymous pamphleteering is not a pernicious, fraudulent practice, but an honorable tradition of advocacy and of dissent.

Id. at 357.

While the Committee supports transparency in political campaigns, and will continue to voluntarily comply with the SFEC as enacted (and as instructed by the City Clerk and City Attorney), this Board must view the sufficiency of Ms. Heldmeyer's Complaints in context of these precedential laws and guiding principles.

I. Complaint 2017-1B should be dismissed because editorials are not regulated by the Santa Fe Election Code.

The Santa Fe Election Code requires political committees such as Pre-K for Santa Fe to place on its printed campaign material the name of an officer or other responsible person of the political committee sponsoring such materials and a telephone number. SFEC §§ 9-2.5(B) and (D). The Code defines “campaign materials” as “any published communication, electronic or otherwise, disseminated to more than one hundred (100) persons that either supports the election or defeat of any identifiable candidate or candidates or supports the approval or defeat of a ballot proposal, *other than communications to, or editorials, reports, or commentary by news media.*” SFEC § 9-2.3(E) (emphasis added).

Ms. Heldmeyer received a copy of an editorial that did not have what she states are the required disclosures. However, editorials are specifically excluded under the definition of campaign material. There is nothing in the Code that allows the City to regulate persons who merely republish or redistribute news articles, editorials, reports or commentary.¹ Even if there were such a requirement, the failure to identify the Committee would be harmless. First, any voter could simply search the Santa Fe New Mexican to find this public document to authenticate it. Second, the Committee distributed the editorial with other material that clearly and conspicuously identified its author. *See* Affidavit of Sandra Wechsler, April 3, 2017, ¶ 5, attached as Exhibit A (“Wechsler Aff.”). Finally, *although not required by law*, the Committee had intended to provide this disclaimer but inadvertently omitted it. *See*

http://www.santafenewmexican.com/news/local_news/complaint-filed-over-soda-tax-flier/article_9c5fe12c-0aab-56e8-a331-afb0378b1050.html.

¹ Nor would such a requirement survive First Amendment scrutiny. In addition to the constitutional protection afforded the media, the cost to duplicate this editorial was *de minimis*. *See* Affidavit of Sandra Wechsler, April 3, 2017, ¶ 5. *See also, Sampson v. Buescher*, 625 F.3d 1247 (10th Cir. 2010).

In sum, the City does not (and cannot) regulate news commentary and editorials such as the one at issue in Ms. Heldmeyer's Complaint.

II. Complaint 2017-2 should be dismissed because the business contributor disclosure reporting is not required in this special election.

SFEC § 9-2.12(B) requires a political committee that receives contributions from another entity that does not have to disclose its contributors to the city clerk, to "indicate as such on the campaign finance statement submitted to the city clerk pursuant to existing reporting requirements." However, according to the City Clerk and City Attorney, these reporting requirements do not apply to elections where there are no candidates on the ballot. *See Wechsler Aff.* ¶ 4. The City's waiver comports with U.S. Supreme Court and Tenth Circuit Court of Appeals precedent. Only in candidate races could such a requirement survive exacting scrutiny. As the Supreme Court explained:

In candidate elections, the Government can identify a compelling state interest in avoiding the corruption that might result from campaign expenditures. Disclosure of expenditures lessens the risk that individuals will spend money to support a candidate as a quid pro quo for special treatment after the candidate is in office. Curriers of favor will be deterred by the knowledge that all expenditures will be scrutinized by the [the campaign regulatory body] and by the public for just this sort of abuse.

McIntyre v. Ohio Elections Comm'n, 514 U.S. 334, 356 (1995) (emphasis added).

In any event, the City elected to waive this reporting requirement. As such, the Committee cannot be found liable for properly following the "existing reporting requirements" of SFEC § 9-2.12(B).

Conclusion

For the reasons set forth above, Pre-K for Santa Fe respectfully asks that the ECRB dismiss Ms. Heldmeyer's Complaints for failure to show probable cause of violations of the Santa Fe Election Code.

Dated: April 3, 2017

Respectfully submitted,

By: /s/ Sara Berger

Sara Berger

Sara Berger Attorney at Law, LLC

P.O. Box 7808

Albuquerque, NM 87194

(505) 842-5074

Attorney for Pre-K for Santa Fe

**CITY OF SANTA FE
ETHICS AND CAMPAIGN REVIEW BOARD**

KAREN HELDMEYER,

Complainant,

v.

Case Nos. 2017-1B; 2017-2

PRE-K FOR SANTA FE,

Respondent.

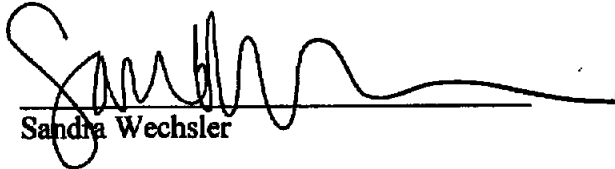
AFFIDAVIT OF SANDRA WECHSLER

STATE OF NEW MEXICO)
)
COUNTY OF SANTA FE)

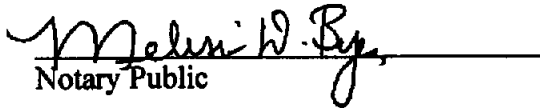
Sandra Wechsler, being first duly sworn, states as follows:

1. I am over the age of 18 and competent to make this Affidavit.
2. The statements in this Affidavit are based on my personal knowledge and beliefs.
3. I am a Campaign Consultant for the political committee, Pre-K for Santa Fe ("Committee").
4. On March 16, 2017, on behalf of the Committee, I attended a meeting held by the Santa Fe City Clerk. The purpose of the meeting was to discuss campaign finance reporting obligations of the political committees involved in the upcoming May 2, 2017, special election. Both the City Clerk and Assistant City Attorney, Zach Shandler, were in attendance. Mr. Shandler informed the Committee that since this was a special election where no candidates were running for office, the City did not require the Committee to check the "Contributor Disclosure Not Required" box on the business contributor sheet. A copy of the reporting form detailing the business contributor box is attached as Exhibit 1.

5. On March 21, 2017, the Committee conducted a canvass where the Committee distributed flyers to Santa Fe households. The material distributed is attached as Exhibits 2 and 3. Exhibit 2 is a reprint of an editorial that was published in the Santa Fe New Mexican on March 4, 2017. The cost of duplicating the editorial was \$487.41. Exhibit 3 is campaign material from the Committee supporting the ballot initiative.

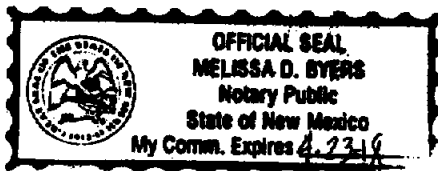

Sandra Wechsler

SUBSCRIBED AND SWORN TO before me by Sandra Wechsler on this 3rd day of April, 2017.


Notary Public

My Commission Expires:

4-23-18



EDITORIALS

SANTA FE ❖ NEW MEXICAN

Our View: Pre-K for all? It's time

Saturday, March 4, 2017

Everyone knows that not all children in Santa Fe are prepared on the first day of school.

Anna might not be able to tell a teacher her name or address. Juan can't count to 10 or recite the alphabet. Tyler can't name his colors. Too often, children such as these start out behind and never catch up.

Yet despite understanding that early childhood education is essential to helping less privileged children start right on day one, the state of New Mexico has been unwilling — or too broke — to offer universal pre-K for all families who want it. Public schools have expanded access to early childhood education, but every year, families are turned away. There's not enough space. Other moms and dads cannot afford private preschool; it's simply too expensive.

Everyone understands this. What has challenged reformers is figuring out how to expand access to high-quality preschool, so that all families — especially those who most need it — can attend if they choose.

Making preschool a reality is not just the responsibility of parents or of the state's education system, but of the community. At least that is how Mayor Javier Gonzales sees it. And that's why he launched his Early Childhood Initiative, a plan to use city funds to make sure that all children can attend preschool if their parents so choose. He even figured out a way to pay for it.

On Wednesday, the Santa Fe City Council will decide if the mayor's plan to pay for pre-K will be presented to voters in a special election this May. While all agree that preschool is a worthy notion, there is much debate over how the mayor wants to pay to improve access. He is proposing a 2-cents-per-ounce tax on sugary drinks, estimated by the city to bring in \$7.7 million a year in new revenue. Those dollars would be spent making pre-K more widely available, using existing programs and providers.

The debate over taxing sugary drinks is beyond contentious already, with the goal — paying for preschool — becoming lost in the commotion. This is not a step for Santa Fe to take lightly. A so-called soda tax will impact families with less money more (although,

to be fair, no one has to drink sodas or other sugary drinks). That's concerning. It is true, as critics point out, that if people drink fewer sodas because they are more expensive, the revenue stream to pay for preschool could be inadequate. City councilors have questions, too, wondering about how the tax will be collected and how the money will be handed out. Good, let's have the debate. It's important.

What we have learned is encouraging. The tax is on soda and sugary-drink distributors — that means the local Coca-Cola plant, but also grocery store supply chains and big corporations such as Starbucks that sell sugar-sweetened drinks. The city plan calls for hiring a half- or full-time city employee to oversee collections, as well as a third-party vendor that specializes in such taxes. A soda tax should not lead to the creation of a new bureaucracy.

At the distribution point — where money is given to provide more preschool slots — the good news is that Santa Fe has a strong early childhood education infrastructure in place. There is Santa Fe Community College's Early Childhood Center of Excellence, Santa Fe County United Way preschool initiatives, Head Start, Santa Fe Public Schools and many private providers. City dollars will supplement what is already here. The goals are for more classrooms across the city to meet quality benchmarks under the National Institute for Early Education Research, for more families to be able to afford to send their children and for space to be available. Part of the initiative includes training, the creation of 56 new classrooms and employment of at least 196 additional teachers, administrators and staff.

Importantly, the city is not going to set up shop as a preschool provider. Key words from the city's plan: "Build on, but don't duplicate, Santa Fe's early childhood capacity and assets."

In a perfect world, the public school system would have all the money it needs to provide much-needed pre-K. Private providers would offer scholarships so that all families could afford to send children. A city such as Santa Fe, whose chief responsibilities are picking up trash, maintaining roads and ensuring public safety, would be less involved when it comes to ensuring the welfare of children. That is not the world in which we live.

Mayor Gonzales and his Pre-K for Santa Fe supporters see an acknowledged need. Nearly 1,000 3- and 4-year-olds in Santa Fe lack access to high-quality early learning programs. Some 72 percent of the children identified are Hispanic, with more than 58 percent living in households with an income below 200 percent of the federal poverty level, or \$36,325 for a family of four. The children who most need these educational opportunities, in other words, don't have them.

The mayor's Pre-K for Santa Fe plan identifies the need and finds a way to pay for it. On Wednesday, city councilors should ask their questions and hammer out differences — Santa Fe needs for this to be done right. Then, let the voters decide. Sooner, rather than later, not just because children are waiting but to avoid a long, ugly campaign. Pre-K for Santa Fe? It's about time.

VOTE TUESDAY, MAY 21

SANTA FE FUTURE IS IN YOUR HANDS



PRE-K FOR SANTA FE

Because Our Children Can't Wait

VOTE TUESDAY, MAY 2

REGISTER TO VOTE BY MONDAY, APRIL 3 AT SOS.STATE.NM.US

EACH CHILD DESERVES the opportunity to succeed. Pre-K for Santa Fe will ensure that all of Santa Fe's three- and four-year-olds have access to high quality pre-kindergarten so they can begin school better prepared to learn.

SCIENCE TELLS US that Pre-K sparks children's creativity and imagination and gives them the skills they need to be ready to learn when they go to school. There are close to 1,000 Santa Fe children who do not have access to high quality Pre-K. Shouldn't all Santa Fe children have an opportunity to succeed?

PRE-K FOR SANTA FE will be paid for by a two-cent per ounce tax on distributors of soda and other sugary beverages, thereby decreasing the risk of heart disease, diabetes, and obesity.

PRE-K FOR SANTA FE will create 200 jobs for Santa Feans in early education with good pay, professional development, and benefits.

For more information or to help out, please contact us at hello@prekforsantafe.org.

WWW.PREKFORSAntAFE.ORG

Fund for and authorized by Pre-K for Santa Fe
Celia Lopez, Chair, and Carmen Gonzalez, Treasurer (505) 839-3784



City Attorney Office's Research on Re-Publication of Editorials for Campaign Material

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Subject: Journal Reprint Permission Form
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4/13/17

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