

January 14, 2022

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President Pro Tempore Mimi Stewart
313 Moon Street NE
Albuquerque, NM 87123

Sent via email to: senmimistewart@gmail.com

Speaker of the House Brian Egolf
Suite 104, State Capitol
Santa Fe, NM 87501

Sent via email to: brian.egolf@nmlegis.gov

Dear Pro Tem Stewart and Speaker Egolf,

As the state approaches the upcoming 2022 Legislative Session, the New Mexico Foundation for Open Government (FOG) reminds you that Article IV, Section 12 of the New Mexico Constitution requires that all sessions of each house of the Legislature be open to the public. Whether proceedings are conducted via digital streaming, in-person or in a hybrid environment, FOG urges transparency remain at the forefront.

- FOG urges New Mexico Legislators to use any and all options to allow the citizens of New Mexico to fully observe the deliberations and decisions that constitute the making of public policy. This includes plenary sessions and all committee meetings. We ask that in the event the analog or digital streaming of any meetings is interrupted, all debate halt until the system resumes transmissions.
- FOG strongly recommends that all bills be made available to the public for review at least 72 hours before they are scheduled for a vote. We are also asking that any amendments be made available in a text format to allow for review. By implementing these practices, the public will have the opportunity to study the bills and amendments and provide meaningful comment. Without such procedures, the public will not be able to participate in this experiment we call democracy.
- FOG is aware that many of the Legislators will be using Zoom and other technology during the session. Legislators should not use secret communications, such as the chat feature, or any other running commentary functions, that are not available to the public at the time they are being made.
- Similarly, when using Zoom, we ask that Legislators be required to keep their cameras on for the duration of any hearing. This is critical so that the public is assured that their lawmakers are in attendance, as they would ordinarily be able to see who was present in the room during in-person sessions.
- FOG also understands the need to use traditional webcasting for members of the public who simply wish to observe the proceedings and Zoom for the purposes of public comment. We strongly suggest ensuring links and passcodes for Zoom access are made available and accessible to the public 72 hours prior to hearings to allow for the greatest possible participation.
- Because the news media acts as the eyes and ears of the public – a responsibility heightened by the nature of the pandemic – the Legislature should allow reporters and broadcasters the greatest access possible to all proceedings inside the Roundhouse.

- As a final point, there are New Mexicans who require ADA accessible options or do not have internet access or personal computers. Please consider the public access needs of these constituents as well.

Let's work together to ensure government transparency is not another victim of the Covid-19 health crisis.

Sincerely,

A handwritten signature in black ink, appearing to read 'SK', with a long, sweeping underline that extends to the right.

Shannon E. Kunkel
Executive Director

Cc: Albuquerque Journal,
Santa Fe New Mexican,
New Mexico Press Association members,
New Mexico Broadcasters Association members