



Yvette Herrell

New Mexico's 2nd Congressional District



Research Book
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POTENTIAL HITS

NEGATIVES

POLICY

Herrell Doesn't Care About Kids

Herrell's record on children is atrocious—she doesn't vote to protect them and doesn't encourage positive growth. She voted against¹ increasing penalties for child abusers, including repeat offenders² and voted against³ prohibiting corporal punishment in public schools. She also voted against⁴ a bill that would “give the Children, Youth and Families Department the tools to intervene at programs for troubled youth that faced abuse allegations.”⁵ She even voted against⁶ a bill that would have penalized persons for smoking in a car when kids aged 13 and younger are present.⁷

But protecting kids' physical safety isn't the only issue Herrell falls short on. While in the legislature, she voted against establishing an early childhood education system⁸ and even said that the state Public Education Department should be abolished.⁹ And Herrell voted against¹⁰ allowing tax credits for businesses and employers who hire foster kids to give them a chance to develop skills they may not get in foster care.¹¹

Our children deserve better than Yvette Herrell; we shouldn't send her to Congress.

ALT: Doesn't Care About Kids' Safety (Hazing / Scott Chandler)

Herrell's record on children is atrocious. She voted against¹² increasing penalties for child abusers, including repeat offenders,¹³ and voted against¹⁴ prohibiting corporal punishment in public schools. She was one of two representatives who voted against¹⁵ an anti-hazing bill. She even voted against¹⁶ a bill that would have penalized persons for smoking in a car when kids aged 13 and younger are present.¹⁷

But perhaps the most disgusting display of her apathy towards kids came when she voted against¹⁸ a bill that would “give the Children, Youth and Families Department the tools to

¹ [Final Vote, HB 182, 2015](#)

² [Final Vote, HB 182, 2015](#)

³ [Final Vote, HB 172, #2951; 3/8/2011](#)

⁴ [Final Vote, HB 342, Vote #4574; 2/17/2014](#)

⁵ “House bill would regulate Tierra Blanca at-risk youth ranch,” Patrick Malone, Las Cruces Sun-News, 2/17/2014

⁶ [Final Vote, HB 148, 2015](#)

⁷ [Fiscal Impact, HB 148, 2015](#)

⁸ [Final Vote SB 120, #3236; 3/17/2011](#)

⁹ [KSPV – Good Morning Artesia, 5/15/18; 5:08-5:38](#)

¹⁰ [Final Vote, SB 231, 2018](#)

¹¹ “Tax incentive for hiring foster youth heads to governor,” Cynthia Miller, Las Vegas Optic, 2/16/2018

¹² [Final Vote, HB 182, 2015](#)

¹³ [Final Vote, HB 182, 2015](#)

¹⁴ [Final Vote, HB 172, #2951; 3/8/2011](#)

¹⁵ [Final Vote, HB 427, #428; 3/13/2017](#)

¹⁶ [Final Vote, HB 148, 2015](#)

¹⁷ [Fiscal Impact, HB 148, 2015](#)

¹⁸ [Final Vote, HB 342, Vote #4574, 2/17/2014](#)

intervene at programs for troubled youth that faced abuse allegations.”¹⁹ Although nobody knows exactly why she voted this way, there can be no doubt that it benefited one of her supporters, Scott Chandler. Chandler, the owner of the Tierra Blanca Ranch, was accused of allowing child abuse to run rampant on his ranch. These allegations first became public in 2013, when an employee was accused of hitting children and forcing them to wear leg shackles for minor rule infractions.²⁰ That same year, a 16-year-old boy died while at the ranch.²¹ Later the public found out that reports of child abuse dated back to 2006.²²

Yvette’s vote came in 2014, after the abuse allegations had surfaced. Chandler rewarded Yvette for her legislative vote by hosting a fundraiser for her in December 2017²³ and donating to her campaign in 2018.²⁴ Chandler’s mother, a defendant in a lawsuit against the ranch, also donated to Yvette in 2017 and 2018.²⁵

It’s hard to believe that there is no connection between Herrell’s vote against child safety is unrelated to her later financial support from a child abuse enabler. Even if there isn’t a connection, both elements demonstrate an appalling departure from the values we stand for in New Mexico. We cannot afford to send Herrell to Congress.

Herrell Sides with Tobacco Companies over New Mexicans

Yvette Herrell cares more about the interests of tobacco companies than the health of her constituents. Herrell has voted against limiting public use of e-cigarettes²⁶ and co-sponsored a Big Tobacco-backed bill²⁷ that weakly regulated e-cigarettes, allowing them to avoid the restrictions that apply to tobacco products.²⁸ Herrell has repeatedly voted²⁹ against³⁰ making tobacco companies pay their fair share for the harm they’ve caused New Mexicans. And Herrell even voted³¹ to allow children to be exposed to secondhand smoke.³² It’s no coincidence that Herrell sides with big tobacco – she took thousands of dollars from major tobacco companies while voting for their interests as a state legislator. Even when the health of New Mexicans is on the line, Herrell is more concerned about the bottom lines of her donors.

Herrell is No Friend to Seniors

Yvette Herrell’s policies do not help our senior citizens.

¹⁹ “House bill would regulate Tierra Blanca at-risk youth ranch,” Patrick Malone, Las Cruces Sun-News, 2/17/2014

²⁰ [“Boy who died at Lord of the Flies bootcamp,” Emma Reynolds, News.com.au, 11/17/2015;](#) [“Trouble on the Tierra Blanca,” Mike Gallagher, Albuquerque Journal, 10/20/2013](#)

²¹ [“Boy who died at Lord of the Flies bootcamp,” Emma Reynolds, News.com.au, 11/17/2015;](#) [“Trouble on the Tierra Blanca,” Mike Gallagher, Albuquerque Journal, 10/20/2013](#)

²² [“Boy who died at Lord of the Flies bootcamp,” Emma Reynolds, News.com.au, 11/17/2015;](#) [“Trouble on the Tierra Blanca,” Mike Gallagher, Albuquerque Journal, 10/20/2013](#)

²³ [“Politics Notebook: Padilla’s firm worked for state despite harassment allegations,” Dan Boyd, Albuquerque Journal, 12/22/2017](#)

²⁴ Yvette4Congress, Receipts, FEC database [\[Scott Chandler, \\$1,500, 11/2/2018\]](#)

²⁵ Yvette4Congress, Receipts, FEC database [\[Kay Chandler, \\$100; 5/8/2018\]](#) [\[Kay Chandler, \\$2,100; 12/31/2017\]](#) [\[Kay Chandler, \\$500; 12/29/2017\]](#)

²⁶ [Fiscal Impact, SB 318, 2017](#)

²⁷ [HB 42, 2015](#)

²⁸ “Legislative Roundup,” The New Mexican, 2/23/2015

²⁹ [Final Vote, SB 397, 2011](#)

³⁰ [Final Vote, SB 225, 2012](#)

³¹ [Final Vote, HB 148, 2015](#)

³² [Fiscal Impact, HB 148, 2015](#)

For starters, Herrell puts seniors' social security benefits at risk. Herrell is a big supporter of the Balanced Budget Amendment³³ (BBA) and was even a co-founder of the Balanced Budget Amendment Task Force.³⁴ She doesn't mention that a BBA would cut Social Security benefits since it would no longer be able to pay seniors' their benefits using Treasury savings.³⁵

And while Herrell is out promoting policies that endanger seniors' benefits, she's also voting to cut benefits to everyone but herself. In 2011, Herrell voted³⁶ to raise the retirement age to collect pension benefits for public employees. Fittingly, the bill exempted members of the legislature from the retirement age increase.

Herrell also voted to³⁷ impose new fees on the elderly and disabled who required disabled parking placards. Even GOP governor Martinez was appalled by the bill and rightly vetoed it.³⁸

Seniors need to know that their member of Congress is fighting for them. They can't count on Herrell.

Herrell voted against funding for students and teachers

Now more than ever, teachers and students need all the support they can get from the government, but Herrell has shown that she is not an ally to education.

In 2014, Herrell voted against³⁹ a bipartisan budget bill that included \$17.5 million in educational programs favored by GOP Gov. Martinez; it also would have included a 3% pay raise for public school employees and a 4.4% increase in higher education spending.⁴⁰ It's no surprise that she voted against the bill since she's said that the state Education Department should be abolished.⁴¹

Herrell also voted⁴² for a bill that would hurt college-attending students by adjusting lottery tuition scholarship award amounts so that students were "provided a lump sum each year instead of guaranteeing full payment for all students on the scholarship."⁴³

Our schools need a member of Congress they can count on. They deserve better than Yvette Herrell.

Herrell Is Anti-Union and Anti-Worker

Yvette Herrell doesn't support the hardworking unions of New Mexico.

³³ [Yvette Herrell for Congress, Facebook post, 4/12/18](#)

³⁴ ["About Us," Balanced Budget Amendment Task Force website, via webarchive, 8/10/2013](#)

³⁵ ["Constitutional Balanced Budget Amendment Poses Serious Risks," Richard Kogan, Center on Budget and Policy Priorities, 3/16/2018](#)

³⁶ [Final Vote, HB 644, 2011](#)

³⁷ [Final Vote, HB 644, 2011](#)

³⁸ "EDITORIAL: State-pension reform overdue -- if it's done right," Santa Fe New Mexican, 3/17/2011

³⁹ [Final Vote SB 313, #4624; 2/19/2014](#)

⁴⁰ "Budget deal reached in NM legislature, heads to governor," Rob Nikolewski, State Capital Newsfeed, New Mexico Watchdog, 2/19/2014

⁴¹ [KSVP – Good Morning Artesia, 5/15/18; 5:08-5:38](#)

⁴² [Final Vote SB 347, #4692; 2/20/14](#)

⁴³ "Legislative session starts in combat, ends in compromise," Walter Rubel, Las Cruces Sun-news, 2/20/2014

Herrell voted for Right-to-Work legislation⁴⁴ that would hamstringing our state’s unions and severely harm the middle class – the same legislation has been shown to lower average wages by \$1,500 per year in other states.⁴⁵

While she was in the legislature, she voted against⁴⁶ raising the minimum wage in accordance with cost-of-living adjustments and excused herself from voting on raising the minimum wage to \$9.25 an hour.⁴⁷ Herrell also voted⁴⁸ to reduce unemployment benefit wages and to reduce the total maximum benefit allowed by roughly 20 percent.⁴⁹

Herrell’s apathy towards New Mexico’s workers doesn’t stop there: she voted against allowing workers to use accrued sick leave to care for sick family members⁵⁰, and even voted to allow companies to stop paying disabled workers if they wanted to take more time to recover.⁵¹

Herrell has shown that she won’t stand up for the good workers in our state.

ALT: Herrell’s values are incompatible with pandemic recovery

In these uncertain times, we are looking to the government to keep our communities afloat. With most of the population on unemployment benefits because of the Coronavirus pandemic, how would Herrell have represented her district? So far, Herrell has been afraid to speak up much about her position. She’s said that coronavirus relief packages should not include “bailouts for the states” and has blamed a lack of a balanced budget on the financial difficulties the country currently has.⁵²

But while her primary GOP opponents both outwardly supported the CARES Act, Herrell has refused to say she supports the bill and has demurred on all requests for clarification.⁵³ The truth is that we don’t need clarification—look at her record. The CARES Act provides unemployment benefits to those who need it, but in 2015, Herrell voted⁵⁴ to reduce unemployment benefit wages and to reduce the total maximum benefit allowed by roughly 20 percent.⁵⁵ Herrell has also voted allowing workers to use accrued sick leave to care for sick family members,⁵⁶ a valuable privilege that goes a long way in times like these.

Herrell’s values do not line up with the needs of our current moment. She would do us a disservice in Congress.

⁴⁴ [Final Vote, HB 75, 2015](#)

⁴⁵ “Right to Work’ Is the Wrong Answer for New Mexico’s Economy,” Alyssa Davis and Gordon Lafer, Economic Policy Institute, 2/4/2015

⁴⁶ [Final Vote, SJR 13, #4625; 2/19/14](#)

⁴⁷ [Final Vote, HB 442, #272; 3/3/2017](#)

⁴⁸ [Final Vote, HB 482, 2015](#)

⁴⁹ “Unemployment benefits cut fails,” Sherry Robinson, The Gallup Independent, 3/18/2015

⁵⁰ [Final Vote HB 86, #85; 2/8/2017](#)

⁵¹ [Fiscal Impact, HB 250, 2015](#)

⁵² “Radio Interview: Rural Route Radio with Yvette Herrell,” DCCC, 4/30/2020

⁵³ [“Republicans in House race weigh in on stimulus bill,” Alex Ross, Roswell Daily Record, 4/2/20](#)

⁵⁴ [Final Vote, HB 482, 2015](#)

⁵⁵ “Unemployment benefits cut fails,” Sherry Robinson, The Gallup Independent, 3/18/2015

⁵⁶ [Final Vote HB 86, #85; 2/8/2017](#)

PERSONAL

Herrell has used her power to help herself, not us

We are living in a time of unprecedented shamelessness, where politicians leverage their offices for personal enrichment without even bothering to cover their tracks. Yvette Herrell has proven that she is just as swampy as the rest of them, repeatedly using her office to fatten her and her family's wallets.

Herrell failed to disclose \$440,000 in rent her company received from state agencies

While Herrell was a state legislator, her company purchased two properties that were being leased by the NM Taxation and Revenue Department and NM Environmental Department. Over the next five years, Herrell's company quietly collected \$440,000 in rent from taxpayers, none of which was disclosed on Herrell's ethics filings. It wasn't until Herrell was caught that she finally amended years' worth of transparency documents to reflect that she had been enriching herself through the state while also serving in the legislature.

Herrell requested \$1 million in funds to renovate headquarters for mother's organization

As a state legislator, Herrell repeatedly use her power to benefit an organization led by her mother. When her mother's organization, TBHS, sought special historical recognition state for its headquarters, Herrell testified on their behalf before a state committee. When the organization's headquarters needed renovation, Herrell sponsored a request for three quarters of a million dollars in taxpayer funds, over 50% more than the organization actually wanted; the group ended up receiving more than half a million dollars for the renovation, which was still more than they had requested. Herrell even requested another \$250,000 in taxpayer funds for MORE renovations to her mother's headquarters just three years later. It's no wonder that, after Herrell secured considerable funding for TBHS, her mother was promoted to President of the organization.

Herrell got the Attorney General to crack down on her real estate competitors

As a state legislator, Herrell repeatedly contacted state bodies about a minor policy issue concerning property auctioneers. According to Herrell, these auctioneers were earning commissions on property sales like a real estate broker would, upsetting brokers in her community who felt that they had gone through the licensing process for nothing. Herrell eventually sought a formal opinion from the Attorney General to put a stop to the practice, and it worked. Of course, Herrell didn't mention in her letter that she owned a real estate firm and made tens of thousands of dollars a year from commissions, or that her firm's brokers offer the same services that non-broker auctioneers were now banned from performing. Other legislators have even sponsored bills to undue Herrell's legal maneuver, to no avail.

Herrell pushed for massive earmark for senior center as her father bought nearby land

As a state legislator, Herrell sponsored a capital outlay request to spend nearly \$1 million building a new senior center in High Rolls; the funding was granted on her second attempt and reauthorized later as the project dragged on. The year before Herrell submitted her first request, her father's trust started buying up land less than five minutes away from the site of the new center. Why is this relevant? Because Herrell's father (and Herrell, through their company) also bought up land directly adjacent to the Alamogordo senior center to set up an RV park retirement community; Herrell's father even got unanimously rebuked by the Alamogordo

City Commission for illegally building a walkway between the RV park and the senior center. Herrell's earmark in High Rolls appears to play right into her and father's business strategy.

In Congress, Herrell would have access to an entire new set of governmental powers she could abuse without scruples. We need someone who will work for us in Washington, not just help themselves.

Herrell can't be trusted

Representative Democracy is built on trust between the citizens and their elected officials. They tell us how they'll govern, and we decide who we send to Washington. But what if you can't trust them to tell the truth? Yvette Herrell has demonstrated time and again that we can't believe what she says.

For years, Herrell said that she wasn't receiving extra taxpayer-funded income on the side, but her company had actually raked in nearly half a million dollars in rent from state government offices.

On her website, Herrell says that she believes in protecting elections from fraud and securing our border, but her alleged values and policy stances had been plagiarized verbatim from other websites.

Herrell even spread a false rumor that her female political opponent had an affair and collaborated with a sleazy political cartoonist to make it go viral; Herrell denied having ever spread the rumor, even though the cartoonist had text messages with Herrell going back months.

There's too much at stake to put someone so reckless and untrustworthy in charge. We deserve better than Herrell.

Herrell is a Cowardly Candidate and a Sore Loser

Yvette Herrell knows that her radical positions on stripping healthcare from millions of Americans and jeopardizing Social Security would be unpopular with New Mexico's voters, so she tries to avoid voters altogether. Herrell did not participate in a single debate during the 2018 general election, even going so far as to avoid phone calls and emails about them.⁵⁷ Herrell hasn't gotten braver since 2018: she skipped the first major 2020 debate with her Republican opponents. Herrell tries to dodge debates at every turn because she knows that if she participates, New Mexicans won't like what they see.

Herrell's bad behavior extends past elections, too. After losing fair and square in 2018, Herrell spent months whining about "signs of fraud" in the election and claiming officials "took it away" from her with no evidence to back it up.⁵⁸ Even after desperately searching thousands of ballots for these so-called "signs of fraud," Herrell was unable to find anything to back up her claim.⁵⁹ Yvette Herrell is a sore loser who doesn't respect our nation's democratic process, and New Mexicans deserve better.

Herrell is a Swamp Monster (Ethics and Compensation)

Herrell is a career politician and the type of swamp monster D.C. loves. While she was in the state legislature, she was only one of 10 representatives to vote against⁶⁰ the creation of an independent

⁵⁷ "Republican who lost race for House seat vows to try again," Associated Press, 5/7/2019

⁵⁸ "Losing candidate delivers hot-air ad," Milan Simonich, The Santa Fe New Mexican, 2/14/2020

⁵⁹ "Republican Herrell will not contest US House race loss," AP, 1/7/2019

⁶⁰ [Final Vote, HJR 5, 2016](#)

ethics commission that would investigate complaints against state officers.⁶¹ And when a common-sense bill that would prohibit lawmakers from becoming lobbyists two years after leaving office, Herrell voted against it.⁶²

Meanwhile, despite claiming to be a fiscal conservative, Herrell, has voted repeatedly for the “Feed Bill,” the periodic funding bill that allocates tens of millions of taxpayer dollars to fund politician expenses, including per diem costs or mileage for days they called out sick.⁶³ Rather than call for accountability, Herrell rubber stamped a system where “Lawmakers [are] not required to submit vouchers during the legislative session for per diem. Instead, they [write] their initials besides their names on a list and [pick] up their checks.”⁶⁴ Oh and Herrell certainly has picked up her checks! She’s received over \$100,000 in taxpayer-funded reimbursements over the years, including for travel to multiple meetings with a “conservative, corporate-backed lobbying organization.”

We’ve seen enough pork and waste in Washington. Sending Herrell to Congress will only make the problem worse.

Herrell is a Swamp Monster (Career Politician)

If we want real representation in Congress, we need to send someone who shares our values, not a career politician. Yvette Herrell was raised by a politician who has been running for various offices since the 1970s. She worked for multiple politicians before getting elected herself, spending nearly a decade in office making things worse for New Mexico. Herrell is desperate to get to Washington; she’s admitted that she knew she wanted to run for Congress years ago—before she ran for state legislature—because she “had a calling.”⁶⁵ She often brags about how often she goes to D.C.⁶⁶ and the “great relationships” she has there.⁶⁷ That’s why she can’t let go of the fact that New Mexicans already made their choice in 2018 – they don’t want Herrell to represent them.

⁶¹ [Fiscal Impact, HJR 5, 2016](#)

⁶² [Final Vote, HB 82, #4479, 2/13/14](#)

⁶³ “Lawmakers missing due to illness still collecting payments,” Patrick Malone, Las Cruces Sun-News, 2/18/2014

⁶⁴ “Lawmakers missing due to illness still collecting payments,” Patrick Malone, Las Cruces Sun-News, 2/18/2014

⁶⁵ Alamogordo Daily News, [7/11/17](#)

⁶⁶ “Candidate Herrell stumps in Deming; Herrell visits with Luna County Republicans,” Xchelzin Peña, Deming Headlight, 10/23/2019

⁶⁷ [KSVP – Good Morning Artesia, 5/15/18](#) (04:14 – 04:49)

PERSONAL

BIOGRAPHICAL SUMMARY

Name: Stella Yvette Herrell
SSN: 585-98-XXXX
DOB: 03/16/1964
Birthplace: Ruidoso, NM
Parents: Tommie C. Herrell (b. 6/21/1939)
Claudia Josette Herrell

FAMILY

SPOUSES AND ROMANTIC PARTNERS

Steve Trawick

Herrell was married to Steve Trawick from 1994 to 1997.

Kelly Joe Adams

Herrell was married to Kelly Joe Adams from 1985 to an unknown date.

PARENTS

Tommie Herrell

Herrell's father is Tommie C. Herrell. Tommy Herrell is a former Otero County Commissioner.⁶⁸

Claudia Josette Herrell

Herrell's mother is Claudia Josette Herrell.

EDUCATION

CLOUDCROFT HIGH SCHOOL

Herrell is a graduate of Cloudcroft High School.⁶⁹

ITT BUSINESS SCHOOL (BOISE, IADHO)

Yvette Herrell attended ITT business school in Boise, Idaho where she studied in the legal secretarial program. She also attended some classes at New Mexico State University.⁷⁰

⁶⁸ "Yvette Herrell running for Congressional seat vacated by Pearce," Alamogordo Daily News, 07/10/2017

⁶⁹ "Yvette Herrell running for Congressional seat vacated by Pearce," Alamogordo Daily News, 07/10/2017

⁷⁰ "Yvette Herrell running for Congressional seat vacated by Pearce," Alamogordo Daily News, 07/10/2017

PERSONAL LEGAL RECORDS

Federal Case Amicus Brief

During our search, we found that Herrell had listed herself as an amici individual to an [amicus brief](#) filed by the CATO Institute and other think tanks. The brief was to the DHS v. State of Florida case (U.S. S.Ct. 11-398). The case challenged the ACA's individual mandate provision. The Supreme Court ruled that although the mandate was not constitutional under the Commerce Clause, it was legal under the Taxing Clause of the Constitution.

CIVIL RECORDS

New Mexico

William Sharer, et al v. Lynn Ellins, et al

Case No: D-307-CV-201302061; Filed 8/29/2013; Las Cruces District Court; Closed

Herrell is listed as one of the seven plaintiffs in this case. Case filings are not available. From the docket, it appears that plaintiffs filed for injunctive and declaratory relief from the defendant but for what, it is unclear. The parties stipulated a dismissal in December 2013.

In the Matter Of: 2018 Congressional Candidate Yvette Herrell for Impounding of DAC Absentee Ballots

Case No: D-307-CV-201802569; Filed 11/13/2018; Las Cruces District Court; Closed

Herrell was listed as the petitioner in this case. It was dismissed for lack of prosecution in June 2019. Case filings are not available online; from the docket, Herrell petitioned on 11/13, soon after the general election, to impound ballots. According to media reports, Herrell wanted police to take custody of absentee ballots in Dona Ana County, the same county that delivered a majority of votes for Herrell's opponent, Torres Small, who won at the last moment with 50.9% of the vote when Herrell had led by 2,000 votes on election night.⁷¹

Yvette Trawick vs. Steve Trawick

Case No. D-1215-DM-97000402; Filed: 9/15/1997; Alamogordo District Court; Closed

This is Yvette's divorce case from her second husband, Steve Trawick. There were no custody issues. The day after filing the divorce petition, the parties filed a settlement agreement. The divorce order was finalized in early October 1997.

Arizona

Stella Herrell vs. N/A

Case No. N179733. Filed 1/7/2004; No judge or other case info.

Herrell was the applicant. There was no other case information available so we would need to pick up this case file in person.

California

John K. Yee v. Stella Yvette Adams

Case No: 08SC04644-SC; CA Superior – Sacramento Court; Filed 06/25/2008

This is a landlord/tenant case involving someone named Stella Yvette Adams. In the 1980s, Herrell's surname was Adams. By 2006, she was divorced but this may still be our target. We would need to pick this case up from the courthouse to confirm.

⁷¹ "Yvette Herrell asks district court to impound absentee ballots in Dona Ana County," Algernon D'Amassa, Las Cruces Sun-News, 11/14/2018

Washington

No cases were found involving Herrell.

Idaho

No cases were found involving Herrell.

Federal

In re: Otero County Hospital Association

Case No. 1:11bk13686; Filed 8/16/2011; U.S. Bank. N.M.; Closed

In 2011, the Otero County Hospital Association voluntarily filed for Chapter 11 bankruptcy. Yvette Herrell is listed as a creditor in a bankruptcy case.

Steagall v. Mountain View, EXP et al

Case No. 3:98cv172; Filed 5/20/1998; U.S. Dist. Ct. Western Texas (El Paso): Closed

This is a breach of contract case. The filings are not available online. Steve and Yvette Trawick were listed as defendants. The Trawicks were terminated from the case on 7/14/1998; the case closed in February 1999.

TRAFFIC RECORDS

On February 20, 2009, Tommie Herrell (b. 6/21/1939) was charged with “equipment; prohibited acts” and “renewal of registration”.⁷²

⁷² M-38-TR-200900524

DIGITAL FOOTPRINT

WEBSITES AND DOMAIN REGISTRATION

PLAGIARISM

Summary

We reviewed website policy from Herrell’s 2018 and 2020 campaign websites for possible instances of plagiarism. We found two strong instances where language largely matched content that predated Herrell’s publication.

In one instance, Herrell’s 2020 policy on voter integrity strongly resembles the homepage for SecureOurVote.us, a coalition of organizations advocating for stronger election security. The coalition includes groups like Public Citizen and Center for American Progress. Herrell’s most notable changes were adding a reference to “poll watchers” and adding that secure voter data was necessary for voters to “be confident in the results.”

In the other instance, Herrell apparently condensed an old policy statement from Kris Kobach about the need for strong borders.

“Shared Values,” YvetteHerrell.com, July 2020	SecureOurVote.us (circa December 2018)
<p>Voter Integrity We must have a system that protects our elections from interference and allows voters to feel confident that the results of an election are honest and correct. Yvette wants to make sure every vote cast is counted, that our elections are secure from hacking and computer error. Voter databases should be backed up offline, monitored and secured using best practices. Poll workers and poll watchers should be trained to ensure that voters can cast a vote and be confident in the results.</p>	<p>Secure Our Vote We can make sure every vote cast is counted, that our elections are secure from hacking and computer error. Join us to make sure every voter in your community can cast their vote securely.</p> <p>Election security is the way we protect our elections from interference. It’s how we allow voters to feel confident that the results of an election are correct.</p> <p>Being able to trust election results is a cornerstone of democracy.</p> <p>We can all ensure the safety of our elections, working with our local and state election officials to make sure all of our votes are counted. Join us to work to make sure that your community has the following safeguards in place:</p> <p>1. Paper: Every voter can mark a paper ballot by hand or with an assistive device and verify their vote, so that there is a paper record of every vote cast.</p>

	<p>2. Checking the Results: Officials subject machine-counted results to a robust manual post-election audit, that can detect and correct false outcomes.</p> <p>3. Secure Voter Data: Voter databases should be backed up offline, monitored and secured using best practices. Poll workers should be trained to ensure that voters can cast a vote in case of a hack or error.</p>
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<p>"Shared Values," YvetteHerrell.com, July 2020</p> <p>Finish the Wall Keeping America safe includes securing the Southern border and finishing the wall. In addition to a physical border wall, the most advanced technology available should be utilized to keep the border secure. As a member of Congress, Yvette will support our Border Patrol and ICE agents, fighting for the funding they need. Strong borders are essential to our nation and to our State. They are essential to fighting terrorism, crime, and protecting American workers and families.</p>	<p>"On the Issues," KrisKobach2018.com, 9/05/2017</p> <p>Strong borders are essential to our nation and to our State. They are essential to fighting terrorism, essential to fighting crime, and essential to protecting American workers. And the only way to combat a problem as severe as a lawless immigration system is to have action at both the federal and the state level.</p>
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POLITICS

CAMPAIGNS

NEW MEXICO'S 2ND CONGRESSIONAL DISTRICT (2018)

PRIMARY

Criticized in attack ad for raising taxes

In June 2018, former Republican Hobbs mayor Monty Newman launched a TV ad calling Herrell a corrupt "insider" who raised taxes.⁷³

Criticized Republican opponent for being a "liberal"

In June 2018, Herrell launched a TV ad criticizing Monty Newman as a "fake Republican" who spent "19 years as a registered Democrat."⁷⁴

Won GOP congressional primary

In June 2018, Herrell won the GOP primary for New Mexico's 2nd Congressional District with 49% of the vote,⁷⁵ finishing ahead of former state GOP chairman Monty Newman and former U.S. Bureau of Indian Affairs official Gavin Clarkson.⁷⁶ The National Republican Congressional Committee praised Herrell for her support of "lower taxes, common-sense regulations, and secure borders," and charged that "New Mexicans deserve better than far-left Pelosi puppet Xochitl Torres Small."⁷⁷

Admitted that her campaign broke Reagan's "eleventh commandment"

In June 2018, Herrell admitted that her campaign broke Reagan's "eleventh commandment" to not speak ill of another Republican in the days leading up to the GOP congressional primary. Herrell said that she held "no grudges" and opined that negative campaign ads are "insulting to the voters' integrity." She stated:

No grudges here. My opinion is that running negative ads won't work very well especially in southern New Mexico. It's insulting to the voters' integrity because they do their own research and know the facts. It's sort of a last-ditch effort when you go negative in the last week or so, and people can see through that.⁷⁸

GENERAL ELECTION

Ran to be the district's first female congressperson

In June 2018, Herrell was nominated to face Xochitl Torres-Small for New Mexico's 2nd Congressional District seat, a position that had never been held by a woman. Herrell said that while she hadn't focused too much on the historic nature of the race, she was pleased to finally have a woman represent the district and hoped that it would be her.⁷⁹

I think it's great that this district will finally be represented by a woman. I just hope it's me.⁸⁰

⁷³ "Newman, Herrell Release Attack Ads," Drew Gerber, National Journal Hotwire, 6/1/2018

⁷⁴ "Newman, Herrell Release Attack Ads," Drew Gerber, National Journal Hotwire, 6/1/2018

⁷⁵ "NM2: Herrell, Torres Small Win NM2 Primaries," The Fronrunner, 6/6/2018

⁷⁶ "The Latest: Yvette Herrell wins GOP congressional primary," Associated Press, 6/6/2018

⁷⁷ "Republican Congressional Committee Issues Statement on Herrell's N.M. Victory," National Republican Campaign Committee, 6/6/2018

⁷⁸ "Herrell grinds her way to victory in primary," Tim Keithly, Ruidoso News, 6/8/2018

⁷⁹ "Election to give New Mexico district its first congresswoman," Russell Contreras, Associated Press, 6/7/2018

⁸⁰ "Election to give New Mexico district its first congresswoman," Russell Contreras, Associated Press, 6/7/2018

Touted conservative values in U.S. House bid

In June 2018, Herrell emphasized her strong conservatism in preparation for the general congressional election. Herrell said that the Washington system was “broken,” and that New Mexico residents needed a true conservative to represent their values.⁸¹

For months, we have shared our vision that the only way to fix a broken Washington is to ensure that strong conservative New Mexican values represent us.⁸²

We look towards November, united as one party, to ensure that this district continues to have a true conservative representing it.⁸³

Thanked the New Mexico Municipal League for support in state legislature

In August 2018, Herrell attended the New Mexico Municipal League's 61st annual conference. Herrell thanked municipal officials for their support of community values and the state legislature.

I just want to tell you that I appreciate so much the work you're doing in your own communities and for the people in your community because it is messy in Santa Fe sometimes.

People don't understand everything we're working through, but I think if we can continue to work together and keep our shared values as far as what is important for our communities, for our families, for our industries and really at this point in time, where we see the revenues are going to be greater.⁸⁴

Skipped bipartisan Domenici Institute conference to meet with consultants in D.C.

In September 2018, Herrell did not show up to the bipartisan Domenici Institute conference after she had committed to attend. During the conference, former governor and institute director Garrey Carruthers (R-NM) said that “one of the candidates, Yvette Herrell, did agree to come but she was called away to Washington, D.C. to visit with consultants and the Republican Party, or whatever, and could not make it.”⁸⁵

NRCC attack ad for Herrell inaccurately cited Sun City News

In September 2018, a reporter from the Las Cruces Sun-News opined that the National Republican Congressional Committee had falsely represented their article in an attack ad on behalf of Herrell. The ad stated that Torres-Small supported a “total government takeover of health care,” while the original article described her as “open to pursuing all pathways” to preserving affordable health care.⁸⁶

Declined to name any area of disagreement with Trump

In September 2018, The New York Times reported that Herrell “repeatedly declined to name any area of disagreement with Mr. Trump.” Herrell endorsed Trump’s idea for a border wall and noted that “right now, I’m pleased with this administration,” despite receiving disapproval from New Mexico’s governor

⁸¹ “Torres Small, Herrell to face off in GOP stronghold; U.S. House, District 2,” Angela Kocherga, Albuquerque Journal, 6/6/2018

⁸² “Torres Small, Herrell to face off in GOP stronghold; U.S. House, District 2,” Angela Kocherga, Albuquerque Journal, 6/6/2018

⁸³ “Torres Small, Herrell to face off in GOP stronghold; U.S. House, District 2,” Angela Kocherga, Albuquerque Journal, 6/6/2018

⁸⁴ “Candidates address NM Municipal League,” Allison Penn, Roswell Daily Record, 8/31/2018

⁸⁵ “Herrell Skips Domenici Conference to Meet with DC Consultants,” Democratic Party of New Mexico, 9/14/2018

⁸⁶ “Sun-News cited falsely in effort to 'educate' voters,” Walter Rubel, Las Cruces Sun-News, 9/23/2018

for her “orthodox worldview.” Herrell also aimed to mobilize conservatives around issues such as abortion and guns.⁸⁷

Clarified failure to disclose Herrell Properties earnings

In October 2018, Herrell clarified her failure to disclose financial records for Herrell Properties during her time in the state legislature. Herrell said that the company was owned by her father, and that she and her sister were partners “in name only.” Herrell also clarified that she was advised by the New Mexico Secretary of State's Office to not report rent the company collected from the state because it was not part of her income.⁸⁸

We have no authority on decisions for this company. We do not receive paychecks from this company. It's in name only, essentially.⁸⁹

Criticized Torres-Small's gun ad

In October 2018, Herrell criticized Torres-Small for a campaign ad that featured the candidate going bird-hunting. Herrell said that while Torres-Small used a gun as a “prop for a campaign commercial,” Herrell was the endorsed candidate for protecting gun rights in New Mexico. Herrell's campaign then released an ad that “depicted Torres Small taking aim and shooting out ‘personal freedoms.’”

There's a big difference between someone using a prop in a campaign commercial versus which candidate is going to protect your gun rights. I've been endorsed by the National Rifle Association and the National Gun Owners of America. I think the voters can see through this and make up their own minds who will best protect gun owners' rights.⁹⁰

Did not disclose ALEC ties in general election candidate questionnaire

In October 2018, Herrell removed her association with the American Legislative Exchange Council from her biography for The Albuquerque Journal's questionnaire, despite including her involvement for the same questionnaire when she ran in the GOP primary.⁹¹

Said that her race was about holding the House majority and keeping Trump in office

In October 2018, Herrell noted that the national attention surrounding the District 2 congressional race reflected the importance of preserving the Republican House majority and Trump's presidency.⁹²

This is about holding the House majority, about keeping President Trump in office. The implications on the national level are huge and there are millions and millions of dollars being poured into this race.⁹³

Accused Democrats of having a “Kavanaugh moment” surrounding attack ads

⁸⁷ “The Five Battlefields for Control of the House,” Alexander Burns, New York Times, 9/23/2018

⁸⁸ “Election to give New Mexico district its first congresswoman,” Russell Contreras, Associated Press, 6/7/2018

⁸⁹ “Election to give New Mexico district its first congresswoman,” Russell Contreras, Associated Press, 6/7/2018

⁹⁰ “Gun-toting Dems? Doesn't make sense,” Tim Keithly, Ruidoso News, 10/12/2018

⁹¹ “Herrell Hides Her Record From New Mexico Voters (Again),” Democratic Party of New Mexico, 10/2/2018

⁹² “Attack ads inundate 2nd Congressional Dist. race; Herrell called an 'insider' and Torres Small a 'foot soldier' for the radical left; ELECTION 2018,” Angela Kocherga, Albuquerque Journal, 10/22/2018

⁹³ “Attack ads inundate 2nd Congressional Dist. race; Herrell called an 'insider' and Torres Small a 'foot soldier' for the radical left; ELECTION 2018,” Angela Kocherga, Albuquerque Journal, 10/22/2018

In October 2018, Herrell condemned her portrayal in Democratic attack ads regarding her taxpayer-funded trips and failure to disclose rent payments from state contracts with her father's company. Herrell noted that while the DCCC attacked her for taking "lavish trips" at the expense of taxpayers, that state legislature members were allowed "one paid trip to a member organization and conference and one paid trip to a nonmember conference." Herrell also noted that she was advised by the New Mexico Secretary of State's Office to not report rent the company collected from the state because it was not part of her income. Herrell said that the attack ads were part of a Democrat "Kavanaugh moment" in which they "throw everything they can at me because they want this seat so bad."⁹⁴

"This is kind of their 'Kavanaugh moment.' They're going to throw everything they can at me because they we want this seat so bad," Herrell said about the ads paid for by the DCCC.⁹⁵

Expressed concern over the effect Democratic attack ads would have on her family

In October 2018, Herrell said that she had concerns over how Democratic attack ads regarding her father's company would effect her parents and family. However, Herrell expressed no qualms over her own attack ads because they were "data-based" and highlighted her proposed solutions.⁹⁶

'What I'm most proud of, in terms of the negativity, is that the only positive thing on the airwaves in terms of the campaign are my ads, my vision for leadership and the future. I'm talking about solutions.' Herrell said she had mentally prepared herself for a difficult campaign, but worried about the effects of attack ads against her on her parents and family. Still, she had no qualms about her own campaign ads. 'The difference is our ads are data-based. The one's we're seeing coming out of the Small campaign are not. There's a huge difference. In fact, they're the same attack ads that came at me in the primary. We shut those down, there was no basis,' she said.⁹⁷

Caused KOAT TV station to cancel congressional debate due to lack of response

In October 2018, the KOAT TV station and the Albuquerque Journal canceled its 2nd Congressional District debate after Herrell failed to accept their invitation. The station had made multiple calls to her campaign, which said it would check her schedule, but ultimately did not respond in time.⁹⁸ Herrell later said that scheduling conflicts prevented her from attending televised debates, and instead chose to appear at two candidate forums in Carlsbad and Deming.⁹⁹

Accused of avoiding televised debates

In October 2018, Torres Small's campaign team accused Herrell of avoiding debates. Herrell's team had yet to agree to any debates despite receiving invitations from three media outlets.¹⁰⁰ Herrell later said

⁹⁴ "Attack ads inundate 2nd Congressional Dist. race; Herrell called an 'insider' and Torres Small a 'foot soldier' for the radical left; ELECTION 2018," Angela Kocherga, Albuquerque Journal, 10/22/2018

⁹⁵ "Attack ads inundate 2nd Congressional Dist. race; Herrell called an 'insider' and Torres Small a 'foot soldier' for the radical left; ELECTION 2018," Angela Kocherga, Albuquerque Journal, 10/22/2018

⁹⁶ "Pressure on the campaign trail: Battle for CD2 no sweat for Herrell and Torres Small," Heath Haussamen, NMPolitics.net, 10/23/2018

⁹⁷ "Pressure on the campaign trail: Battle for CD2 no sweat for Herrell and Torres Small," Heath Haussamen, NMPolitics.net, 10/23/2018

⁹⁸ "Incumbent sheriff balks at TV debate; Gonzales cites 'strategy'; challenger Golson says people 'deserve our time'; ELECTION 2018," Ryan Boetel, Albuquerque Journal, 10/11/2018

⁹⁹ "Attack ads inundate 2nd Congressional Dist. race; Herrell called an 'insider' and Torres Small a 'foot soldier' for the radical left; ELECTION 2018," Angela Kocherga, Albuquerque Journal, 10/22/2018

¹⁰⁰ "Republican in key U.S. House race accused of avoiding debates," Associated Press, 10/15/2018

that scheduling conflicts prevented her from attending televised debates, and that she instead chose to appear at two candidate forums in Carlsbad and Deming.¹⁰¹

My problem is I've just got so many requests and I'm traveling and trying to get around the district to so many people.

Did not show up to community event at Republican campaign headquarters in Ruidoso

In October 2018, Herrell did not show up to a candidate Q&A at the Republican campaign headquarters in Ruidoso. Gubernatorial candidate Rep. Steve Pearce answered questions alone to “a packed room of residents and media.”¹⁰²

UNM interviewed Torres Small while Herrell still did not give availabilities

In October 2018, The University of New Mexico hosted KRWG-PBS anchor Fred Martino and Xochitl Torres Small for an interview about the District 2 congressional race. The University noted that “Yvette Herrell has not made herself available for an interview to date.”¹⁰³

Attended New Mexico Red Rally

In October 2018, Herrell attended the New Mexico Red Rally in Roswell, a get-out-the-vote event that also featured Vice President Mike Pence and gubernatorial candidate Rep. Steve Pearce.¹⁰⁴ Herrell emphasized the need for a border wall, citing the safety of farmers and ranchers along the border.¹⁰⁵

We have not only just the national security issue, but we have a number of farmers and ranchers that live right on that border that are only separated with a barbed wire fence.¹⁰⁶

Herrell also noted that Trump will be at risk of impeachment if Republicans do not maintain a House majority.¹⁰⁷

People understand that if we don't hold the House, the Democrats will start impeachment process.¹⁰⁸

During the rally, Mike Pence praised Herrell for her support of Trump “before it was cool,” and said that like Trump, Herrell “makes it known where she stands on the issues.”¹⁰⁹ Pence also praised Herrell for her support of Trump’s border wall.¹¹⁰

With Pearce and Herrell in office, we're going to build that wall. We're going to secure our border, and we're going to fix this broken immigration system," Pence said. "I don't need to tell New Mexico what the crisis on the border poses to our country and to our communities."

¹⁰¹ “Attack ads inundate 2nd Congressional Dist. race; Herrell called an 'insider' and Torres Small a 'foot soldier' for the radical left; ELECTION 2018,” Angela Kocherga, Albuquerque Journal, 10/22/2018

¹⁰² “Pearce delivers message of cooperation,” Dianne Stallings, Ruidoso News, 10/17/2018

¹⁰³ “NEW MEXICO IN FOCUS TAKES CLOSER LOOK AT RACE FOR 2ND CONGRESSIONAL DISTRICT,” University of New Mexico, 10/18/2018

¹⁰⁴ “Vice President Pence scheduled for GOP rally in New Mexico,” Associated Press, 10/22/2018

¹⁰⁵ “New Mexico Congressional Race Profiled,” Fox News Network, Finance Wire, 10/26/2018

¹⁰⁶ “New Mexico Congressional Race Profiled,” Fox News Network, Finance Wire, 10/26/2018

¹⁰⁷ “New Mexico Congressional Race Profiled,” Fox News Network, Finance Wire, 10/26/2018

¹⁰⁸ “New Mexico Congressional Race Profiled,” Fox News Network, Finance Wire, 10/26/2018

¹⁰⁹ “Vice President Pence visits Roswell,” Roswell Daily Record, 10/26/2018

¹¹⁰ “Pence calls for 'red wall' to block 'blue wave'; Vice president stops in Roswell to support Pearce, Herrell during Western campaign trip; ELECTION 2018,” Angela Kocherga, Albuquerque Journal, 10/26/2018

Condemned attack ads in event for the Federated Republican Women of Lincoln County

In October 2018, Herrell attended a meeting for the Federated Republican Women of Lincoln County, in which she discussed her campaign and the “ugliness” of her portrayal by Democrats on television. Herrell condemned the attacks of her character in TV ads, noting that they were “ridiculous” and undermined voter integrity. Herrell also told attendees to be cautious about believing her opponent’s TV ads.¹¹¹

This is not going to be dictated by negative ads. The negative ads attack me, they are attacking you and they are attacking voter integrity. They assume (voters) are not smart enough to go out and do their homework and find out who the candidates are and who shares their values. Worse of all, are the attacks on my family. These attack ads are ridiculous and the damage they are doing is wrong.¹¹²

This is tough race, but we have to pay attention to what is going on and don't be fooled by the nonsense on T.V. or by an ad showing someone shooting a gun and think that means they will protect the Second Amendment. They are two totally different things.¹¹³

Herrell also noted that she had raised \$530,000 to her opponent’s \$1.8 million, but insisted that Torres Small will fail to represent the state given that she had been “bankrolled by the liberal machine.”¹¹⁴

My opponent had over \$1.8 million put into her account, most of that money came from liberal leadership and I'm telling you right now, if you think someone is going to Washington to represent your values after being bankrolled by the liberal machine, think again.¹¹⁵

Warned that Republicans will face difficulty winning the CD2 seat back if they lose it in 2018

In November 2018, Herrell warned GOP voters that they cannot expect to regain the District 2 congressional seat should they lose in the general election. Herrell also warned that electing a Democrat will bring the Trump presidency progress to a “screeching halt.”¹¹⁶

It's kind of apples and oranges because Trump has had results and Obama didn't. It's a very important race because this is our only conservative seat in the whole congressional delegation. My fear is, if we lose this seat, we may not get it back.¹¹⁷

Declared victory in congressional race

In November 2018, the Las Cruces Sun-News reported that Herrell had declared victory on election night, telling her supporters, “Everything we had to do was trust God. Our message was our seat was not for sale. It was so amazing. I am so honored and grateful. We have a state so amazing. We've got values that are meaningful to each of us and families. We're going to carry those values to Washington, D.C.” Her declaration came as many news organizations, including the Sun-News, projected Herrell to be the

¹¹¹ “Yvette Herrell speaks to Republicans,” Dianne Stallings, Ruidoso News, 10/26/2018

¹¹² “Yvette Herrell speaks to Republicans,” Dianne Stallings, Ruidoso News, 10/26/2018

¹¹³ “Yvette Herrell speaks to Republicans,” Dianne Stallings, Ruidoso News, 10/26/2018

¹¹⁴ “Yvette Herrell speaks to Republicans,” Dianne Stallings, Ruidoso News, 10/26/2018

¹¹⁵ “Yvette Herrell speaks to Republicans,” Dianne Stallings, Ruidoso News, 10/26/2018

¹¹⁶ “The Daily 202: Democrats are going to win House seats today that will be difficult to defend in 2020,” Washington Post, 11/6/2018

¹¹⁷ “The Daily 202: Democrats are going to win House seats today that will be difficult to defend in 2020,” Washington Post, 11/6/2018

likely winner despite Torres-Small declining to concede. Absentee ballots later helped boost Torres-Small to victory, but Herrell's campaign called for all provisional ballots to be counted as well.¹¹⁸

Campaign criticized Torres Small for declaring victory after unofficial count

In November 2018, Xochitl Torres Small received an over-3000 vote tally to Herrell's after absentee ballots were counted, putting her in the lead for New Mexico's 2nd Congressional District race. Herrell's campaign refused to concede, citing around 1,000 provisional ballots that had yet to be tallied.¹¹⁹ A spokesperson for the New Mexico Secretary of State noted that even if Herrell won the provisional votes, it still wouldn't be enough for her to win or prompt an automatic recount.¹²⁰

"Last night, we heard from Xochitl Torres Small that it was extremely important that every vote be counted," Rob Burgess, senior adviser to the Herrell campaign, said in a news release Wednesday night. "This campaign believes that should be the case and we look forward to seeing the results from all provisional ballots throughout the district."¹²¹

POST-ELECTION

Appeared on Fox News to discuss election results

In November 2018, Yvette Herrell went on Fox News to discuss the results of her congressional race. Host Jeanine Pirro asked Herrell about the state of vote counting in the election and the discovery of over 4,000 uncounted ballots on election night.¹²²

PIRRO: All right, now, you ran in the New Mexico District 2. You have run four times, you've been a legislator for eight years. You are running for an open seat, one that was held by a Republican for the last 16 years. Donald Trump won that district by 10 points. And now, you run against a first-time candidate, her name Xochitl Torres Small. How do you pronounce her name?

HERRELL: That's pretty close.

PIRRO: Okay, all right, I think we have a photo of her, the candidate you ran against. Now, all the entities who were representing all the party, New Mexico Dems for Democracy on Election Night declared you the winner. NBC, CNN, MSNBC, the Albuquerque journal, Townhall, everybody announced the race and you won. You actually give a victory speech, and then about an hour later something happened. Why don't you tell us?

HERRELL: Yes, about an hour later, we were contacted by the Secretary of State's office who said they had magically found 4,000 ballots that had not been counted.

PIRRO: Okay, and this Secretary of State, what is her name?

HERRELL: Maggie Toulouse Oliver.

¹¹⁸ "Xochitl Torres Small wins House contest; Las Cruces's dramatic victory played out in home county," Algernon D'Amassa, Las Cruces Sun-News, 11/9/2018

¹¹⁹ "Torres Small is apparent winner in 2nd District; Absentee ballots give the Democrat edge over Republican Herrell; ELECTION 2018," Albuquerque Journal, 11/8/2018

¹²⁰ "Republican Herrell not conceding US House race in New Mexico," Associated Press, 11/8/2018

¹²¹ "Torres Small is apparent winner in 2nd District; Absentee ballots give the Democrat edge over Republican Herrell; ELECTION 2018," Albuquerque Journal, 11/8/2018

¹²² "The Fraud Going On In Florida As An Acceptable Solution To Our Election Process Is The Last Straw; Midterm Election Results; Two More People Found Dead From The Wildfires In California; Raising The Death Toll To At Least 11; 14 More Bodies Found In California Bringing The Death Toll To 23 In The Wildfires Sweeping Through Parts Of The Golden State.," Justice with Judge Jeanine Pirro, Fox News, 11/10/2018



PIRRO: Okay, and I assume she is a Democrat?

HERRELL: She is a Democrat, that's right.

PIRRO: All right, so and then within another hour after this Democrat Secretary of State says we've got 4,000 ballots we have got to add, did you get another phone call?

HERRELL: Right, then after that, about an hour and a half later - so within about two and a half hours after the election was called, we get another call and say they found yet another 4,000 ballots that had not been added to the ballot count.

Pirro then asked Herrell what the County Clerk's excuse for not having initially counted the ballots correctly was:¹²³

PIRRO: All right, so now, we've got a total of 8,000 new votes after you've already given your victory speech. Now, the question that I think is significant is that when you ask how did this all happen? There is an individual who is the County Commissioner appointed again by Democrats. What was her excuse?

HERRELL: The County Clerk over there, her excuse was there was just more ballots than they thought. Actually, first they said they forgot them. They did not realize they had them. Although that's very telling since they knew there was record voter turnout in absentee ballots.

PIRRO: All right, so then the next day, they start the recount and these new ballots and you would have won by 1,800 votes, and now she is declared the winner by 2,800 votes, correct?

HERRELL: Correct, that's right.

Pirro asked if Herrell believed the declaration of Torres-Small as the winner to be "fair and square." Herrell said she didn't think it was because "there were 8,000 ballots that came up out of nowhere":¹²⁴

HERRELL: I really don't think that it is because here, we have a second congressional district race where everybody goes bed on Tuesday night thinking that I have been declared the winner and then suddenly on Wednesday morning, they start hearing that there were 8,000 ballots that came up out of nowhere, and no, I don't think that it was. I think that maybe we need to look into it a little bit more.

PIRRO: All right, and what are you going to do when you say that you're going to look into a little more?

HERRELL: You know at this point, this is about voter integrity and restoring voter confidence. And we've had over a hundred documented complaints about some of the things that happened here in this race, and so we need to look into it, shine some light on it and make sure if there's problems, let's fix them.

New Mexico Republican party considered legal recourses after Herrell loss

In November 2018, the New Mexico Republican Party stated that they would consider legal recourses in response to Dona Ana County results that showed Democrat Xochitl Torres Small winning the 2nd

¹²³ "The Fraud Going On In Florida As An Acceptable Solution To Our Election Process Is The Last Straw; Midterm Election Results; Two More People Found Dead From The Wildfires In California; Raising The Death Toll To At Least 11; 14 More Bodies Found In California Bringing The Death Toll To 23 In The Wildfires Sweeping Through Parts Of The Golden State.," Justice with Judge Jeanine Pirro, Fox News, 11/10/2018

¹²⁴ "The Fraud Going On In Florida As An Acceptable Solution To Our Election Process Is The Last Straw; Midterm Election Results; Two More People Found Dead From The Wildfires In California; Raising The Death Toll To At Least 11; 14 More Bodies Found In California Bringing The Death Toll To 23 In The Wildfires Sweeping Through Parts Of The Golden State.," Justice with Judge Jeanine Pirro, Fox News, 11/10/2018

Congressional District seat after absentee ballots were counted. The Party cited “concerning reports” from voters over the general election, but did not give details on the mentioned reports.¹²⁵ The statement came after Herrell told FOX news that there were “over 100 documented complaints” about voting irregularities. After making the accusations, Herrell’s team did not respond to “repeated” press inquiries seeking details about her accusations.¹²⁶

Herrell announced she would challenge the final vote count

In November 2018, Herrell announced she would challenge the final vote count in the 2nd congressional district election.¹²⁷ Herrell said, “At this point, this is about voter integrity and restoring voter confidence. We’ve had over a hundred documented complaints about some of the things that happened here in this race. We need to look into it, shine some light on it and make sure that if there are problems, let’s fix them.”¹²⁸ A spokesman for the Secretary of State’s office said its staff had not received formal complaints and added, “Doña Ana County voters can have every confidence that their votes were counted properly and in accordance with the law, and any suggestion that absentee ballots were somehow 'magically found' on election night is simply false.”¹²⁹

Herrell’s campaign filed a petition to impound over 8,000 ballots

In November 2018, Herrell’s campaign filed a petition in the state District Court in Las Cruces requesting for over 8,000 absentee ballots to be impounded as Herrell refused to concede the election. The petition did not outline specific irregularities or wrongdoing but instead focused on how Herrell had been declared the winner on election night by a local newspaper. The petition claimed Herrell was stripped of her win “upon the late counting of a historically unprecedented number of absentee ballots that went overwhelmingly and disproportionately for her opponent,” and requested that the campaign be allowed to inspect all impounded ballots.¹³⁰

Hearing held on Herrell’s request

In November 2018, a New Mexico State District judge ruled he would allow the New Mexico Secretary of State’s office to finish tallying ballots before Herrell could inspect them. The judge, Manuel Arietta, said that Herrell’s lawyers and the office could come up with an agreement on how to inspect the ballots in the meantime. The hearing came as Torres-Small said she would be taking the seat despite the push to recount ballots.¹³¹

Torres Small said she was not concerned by lawsuit

In December 2018, Torres Small said she was not concerned by Herrell’s lawsuit seeking to impound over 8,000 absentee ballots. Torres Small said to the Albuquerque Journal, “The election results have been certified by the secretary of state. . . and I am [in Washington] focusing on governance. I am glad every vote has been counted.”¹³²

Absentee ballots impounded, Herrell’s team began recount

¹²⁵ [“New Mexico GOP eyes legal moves in US House race,” KVIA ABC-7, 11/13/2018](#)

¹²⁶ [“New Mexico GOP eyes legal moves in US House race,” KVIA ABC-7, 11/13/2018](#)

¹²⁷ “Candidate Herrell to challenge vote count in congressional race,” Los Alamos Monitor, 11/11/2018

¹²⁸ “Candidate Herrell to challenge vote count in congressional race,” Los Alamos Monitor, 11/11/2018

¹²⁹ “Herrell claims House race plagued by voting issues,” Andrew Oxford, The Santa Fe New Mexican, 11/13/2018

¹³⁰ “Herrell seeks to impound 8,000 ballots,” Andrew Oxford, The Santa Fe New Mexican, 11/14/2018

¹³¹ “The Latest: SOS: Dem Torres Small will take US House seat,” AP, 11/16/2018

¹³² “Torres Small focused on Congress, not dispute over ballots,” Albuquerque Journal, 12/1/2018

In December 2018, New Mexico State Police impounded over 8,000 ballots in Doña Ana County's elections warehouse so Herrell's legal team could begin their review of the ballots. All confidential information was redacted prior to the impoundment.¹³³

Herrell's team completed ballot inspection

In December 2018, Herrell's team announced they had completed their inspection of absentee ballot materials in Doña Ana County.¹³⁴ Amanda Lopez Askin, the Doña Ana County Clerk, said, "From my perspective, the process went smoothly. The ballots are officially back in the Doña Ana County Clerk's custody. As far as next steps, that would definitely be a question for the Yvette Herrell campaign."¹³⁵ Herrell's team later said they had not ruled out "further legal action."¹³⁶

Herrell announced she would not contest loss

In January 2019, Herrell announced that she would not contest her loss to Torres Small. She said she never intended to contest the results but suggested her campaign received enough claims of irregularities to warrant a review of the absentee ballots. Herrell did not give details on claims of irregularity.¹³⁷

¹³³ "Ballots in CD2 race impounded; Herrell legal team begins inspecting absentee votes," Angela Kocherga, Albuquerque Journal, 12/4/2018

¹³⁴ "Herrell's inspection of absentee ballots finished; Republican has till Jan.6 to contest loss in 2nd Congressional District," Angela Kocherga, Albuquerque Journal, 12/13/2018

¹³⁵ "Herrell's inspection of absentee ballots finished; Republican has till Jan.6 to contest loss in 2nd Congressional District," Angela Kocherga, Albuquerque Journal, 12/13/2018

¹³⁶ "Defeated GOP Herrell in US House race eyes 'legal action'," AP, 12/18/2018

¹³⁷ "Republican Herrell will not contest US House race loss," AP, 1/7/2019

NEW MEXICO'S 2ND CONGRESSIONAL DISTRICT (2020)

PRIMARY

Announced entry into 2020 congressional race

In January 2019, Herrell announced that she would run for New Mexico's 2nd congressional district seat again in 2020, just one day after acknowledging that she had lost the 2018 election. In her announcement, Herrell touted recent wage growth and low unemployment, adding, "Yet liberal politicians like Xochitl Torres Small are doing nothing but 'resisting' efforts to make our country a better place for all Americans." Herrell continued, "Torres Small's very first votes — for Nancy Pelosi and against protecting our country with common sense border security — proved that her campaign promise to 'work with anyone' was just a cynical attempt to pull the wool over the eyes of the voters."¹³⁸

Herrell also expanded on her decision to pursue an impounding of absentee ballots for a potential challenge to election results. She said:¹³⁹

Taken together, the numbers of reported irregularities were such that I felt I owed it to voters, as well as to lawmakers, to undertake a thorough review. It is important that voters have faith in the integrity of elections, and there was a need to know how the election administration took place and to see if anything could be learned that might be useful in terms of amending or updating the Election Code. I did not believe that there were reasons to contest the election, but I did strongly feel that there were enough claims of irregularities to warrant a full review, and that we might learn things that could be of use to State House and Senate Committees as they continually try to update and improve our election laws.

Attended Cibola County Republican Party meeting

In April 2019, Herrell attended a meeting of the Cibola County Republican Party and spoke at the event. Herrell said that she had come to see the community and visit new GOP leadership in the county. She also said she attended in order to listen to the speech of Cibola County Sheriff Tony Mace.¹⁴⁰

Announced fundraising numbers

In April 2019, Herrell announced she had raised over \$200,000 for her 2020 congressional campaign. She reported having \$285,000 in cash on hand.¹⁴¹

Herrell said she would run a different campaign in 2020

In May 2019, Herrell spoke to the Hobbs Sun-News about her plans for her 2020 campaign. Herrell said she planned to run a different campaign in 2020, adding, "I think there's an opportunity for me to win. I think that the voters are going to be paying closer attention." Herrell also claimed that scheduling conflicts prevented her from participating in debates, but television stations told the Associated Press that Herrell's campaign never gave alternative dates and avoided phone calls and emails about debates.¹⁴²

¹³⁸ "A day after acknowledging 2018 defeat, Herrell jumps into 2020 congressional race," Heath Haussamen, NM Politics, 1/8/2019

¹³⁹ "Herrell to seek CD2 seat in 2020," Los Alamos Monitor, 1/8/2019

¹⁴⁰ "County GOP members hear legislative update," Diego Lopez, Cibola Citizen, 4/3/2019

¹⁴¹ "Luján raises \$500,000 for Senate bid; Congressman hopes to succeed Sen. Tom Udall, not seeking re-election," Scott Turner, Albuquerque Journal, 4/16/2019

¹⁴² "Republican who lost race for House seat vows to try again," Associated Press, 5/7/2019

Visited Roswell in campaign stop

In May 2019, Herrell visited Roswell and discussed her campaign plans. Herrell talked about her 2018 loss, saying, “I think we all went to bed on Tuesday night thinking we had won this election, this seat, and woke up to something very different.” She said of her 2020 campaign, “Really what we’re about is working hard. Let’s see what is right for New Mexico and let’s continue to put New Mexicans first and get back and continue the good fight, and keep the momentum going.” Herrell added that she believed Trump being on the 2020 ballot would benefit their campaign, saying, “ matters who is making the decisions for us on any level of government and I think we are going to see a much more enthusiastic turnout in the district, and quite frankly, most likely in the state.” Herrell promised debates in the 2020 campaign, saying, “We will definitely be debating in this election after we win the primary, we will certainly be debating, but we will also ask that those debates be done much earlier in the season.”¹⁴³

Vowed to debate Torres Small, claimed they debated in “public forum settings” in 2018

In May 2019, Herrell discussed her 2020 campaign in an interview with the Carlsbad Current-Argus. Herrell said that she would debate Torres Small in her second bid to be elected to Congress. Herrell said, “My strategy is to tell the truth. This country has become so divided, and we need to bring everyone to the table. We did debate last time in public forum settings. Last time they called for the debate in mid-October after many people had already voted. I would ask this year that it happen sooner than they were asking last time.”¹⁴⁴

Herrell reported over \$100,000 in donations in 2019 July quarterly report

In July 2019, Herrell reported having raised \$101,000 between April 1 and June 30, 2019. Herrell reported \$93,000 in individual contributions and \$8,000 from PACs, ending the period with \$307,000 in cash-on-hand.¹⁴⁵

Named on “On the Radar” candidate in NRCC Young Guns program

In August 2019, Herrell was named as an “On the Radar” candidate in the National Republican Congressional Committee’s 2020 Young Guns program. The program required candidates to work towards specific goals and meet benchmarks in order to remain competitive throughout the cycle.¹⁴⁶

Campaign touted endorsements after Chase entered race

In August 2019, Herrell’s spokesperson said she would run a “top-notch” campaign and looked forward to debating opponents after oil executive Claire Chase announced her entry into the Republican primary field. Herrell’s spokesperson added, “[Herrell’s] efforts are paying off with early endorsements from the House Freedom Caucus, Cowboys for Trump, FreedomWorks, GOP House Leader Jim Townsend, 12 New Mexico Sheriffs, [and] numerous current and former state legislators.”¹⁴⁷

Named one of “five new GOP women to watch” by Washington Examiner

¹⁴³ “Yvette Herrell back on the campaign trail,” Alex Ross, Roswell Daily Record, 5/24/2019

¹⁴⁴ “Can GOP take back 2nd Congressional District in 2020?” Mike Smith and Adrian Hedden, Carlsbad Current-Argus, 5/24/2019

¹⁴⁵ “Torres Small, Lujan lead in campaign fundraising,” Alex Ross, Roswell Daily Record, 7/17/2019

¹⁴⁶ “National Republican Congressional Committee Announces 43 ‘On the Radar’ Candidates in First Round of Young Guns Program,” Targeted News Service, 8/16/2019

¹⁴⁷ “GOP oil executive to seek southern New Mexico US House seat,” Russell Contreras, AP, 8/27/2019

In August 2019, Herrell was named one of “Five new GOP women to watch in 2020” by conservative outlet The Washington Examiner. Others named to the list included Rosemary Becchi, Jeanne Ives, Amanda Makki, and Terry Neese.¹⁴⁸

Felony charges against former Herrell consultant were dropped

In October 2019, felony charges against Benjamin Sparks, a former consultant for Herrell’s campaign, were dropped. Sparks had been charged with kidnapping, domestic battery and coercion in January 2019. The case stemmed from allegations made in March 2018. Sparks still faced a misdemeanor battery charge.¹⁴⁹

Reported over \$140,000 raised in October filing

In October 2019, Herrell’s campaign reported that she had raised over \$140,000 between July 1 and September 30.¹⁵⁰ She raised almost \$96,000 online through the House Freedom Fund and \$2,800 through PACs.¹⁵¹ She ended the quarter with over \$390,000 in cash on hand.¹⁵² Herrell said in a press release, “We are encouraged by the continued strong financial and grassroots support our campaign is receiving. It is clear that our pro-Trump, pro-jobs and pro-Constitution message is resonating with New Mexicans across the 2nd District.”¹⁵³

Visited Luna County, said people in Washington didn’t understand border

In October 2019, Herrell visited the Luna County Republican Party office and met with constituents to discuss their concerns. Herrell said of the campaign, “At the end of the day we are working super hard. We’re just continuing to travel all over and listen to what’s happening. I mean, it’s so unique - the challenges here, versus say, Otero or Valencia or Cibola. But the one commonality is there’s great concern with what the 2020 elections will result in - with the workforce, the lack of, and the border, all big things most people talk about.”¹⁵⁴

Herrell also stressed her support for Trump and his plan to build a border wall, saying, “I go to D.C. often. I think I’ve gone maybe twice this year, but every time when I go back, people want to know about the border. I always have to say to them, ‘it’s crazy what you’re seeing on your Washington-based stations, but it’s so far from reality.’ They just can’t understand there are still farmers and ranchers out there. They see it as some kind of TV western.”¹⁵⁵

Herrell reported to have received over \$15,000 in PAC contributions

In November 2019, the Albuquerque Journal reported on fundraising of candidates for New Mexico’s 2nd congressional district. Herrell was reported to have raised over \$441,000, with over \$367,000 in large individual contributions and \$15,800 in PAC contributions. She had received roughly \$25,000 from the oil and gas industry, \$24,000 from agribusiness, and \$18,500 from the finance and real estate industry. Notable donors included New Mexico House Minority Leader Jim Townsend, Mark Murphy of Murphy

¹⁴⁸ “Five new GOP women to watch in 2020,” Carol Davis, The Examiner, 8/28/2019

¹⁴⁹ “Felony battery case dropped against ex-Nevada GOP consultant,” Associated Press, 10/9/2019

¹⁵⁰ “Torres Small, Chase both raise \$500K in House race,” Scott Turner, Albuquerque Journal, 10/16/2019

¹⁵¹ “Torres Small, Chase both raise \$500K in House race,” Scott Turner, Albuquerque Journal, 10/16/2019

¹⁵² “Torres Small, Chase both raise \$500K in House race,” Scott Turner, Albuquerque Journal, 10/16/2019

¹⁵³ “Chase leads Republicans in third-quarter fundraising,” Alex Ross, Roswell Daily Record, 10/28/2019

¹⁵⁴ “Candidate Herrell stumps in Deming; Herrell visits with Luna County Republicans,” Xchelzin Peña, Deming Headlight, 10/23/2019

¹⁵⁵ “Candidate Herrell stumps in Deming; Herrell visits with Luna County Republicans,” Xchelzin Peña, Deming Headlight, 10/23/2019

Petroleum, and Charles and Amelia Saulsbury, who were major donors to the Trump Victory campaign.¹⁵⁶

Spoke at Lincoln County Republican Party meeting, warned of becoming “socialist country”

In January 2020, Herrell spoke at a Lincoln County Republican Party meeting. Herrell highlighted her eight years in the New Mexico legislature and stated that she believed it was imperative to elect a Republican, saying, “I believe in my heart we either will be a country that protects the constitutional Republic or we will become a socialist country. It matters who makes the decisions on every single level of government. I wanted to be involved in those decisions, to have a voice at the table and hold elected officials accountable.”¹⁵⁷

During the meeting, Herrell called herself a “trusted leader with a proven track record” and added, “I am not going to Washington for me. I am going because you want me there. I am unashamedly pro-God, pro-life, pro-gun, pro-business and pro-family. I have never compromised my values for a vote. I know what it's like to make tough decisions, decisions that affect every single person. That is humbling.”¹⁵⁸

Reported raising almost \$190,000 in last quarter of 2019

In February 2020, the Associated Press reported that Herrell had raised \$188,005 in the last quarter of 2019 and finished the year with over \$460,000 in cash on hand.¹⁵⁹ Over \$120,000 of Herrell’s quarter donations were amounts of \$200 or less.¹⁶⁰ The quarter put Herrell’s yearly total at almost \$630,000.¹⁶¹

DCCC hit Herrell, other Republicans for low fundraising

In February 2020, the DCCC criticized Herrell and other Republican primary contenders for raising less than \$500,000 in the final fundraising quarter of 2019 combined. The release said that Torres Small raised over \$910,000 and was “running circles around the GOP field” with over \$2.3 million in cash on hand. The release noted that Herrell took \$5,000 from the Citizens United Victory Fund, “an organization dedicated to keeping dark money in politics,” while Torres Small accepted no PAC money in contrast. The release also noted that Claire Chase took over \$18,000 from corporate PACs and received no contributions under \$100.¹⁶²

DCCC criticized Herrell, Chase over income and campaign contributions

In February 2020, the DCCC criticized Herrell and Claire Chase in a press release over a history of dubious financial practices. The release referenced Herrell’s attempts to deflect questions during the 2018 cycle over her businesses receiving over \$440,000 in taxpayer funded contracts while in the state legislature; the release noted that the Albuquerque Journal called her failure to disclose the income “egregious” and her denial “disingenuous at best.” The release also highlighted over \$45,000 in potentially illegal contributions taken by Chase during her first quarter in the race, saying both candidates “flout[ed] the law for [their] personal gain.”¹⁶³

¹⁵⁶ “Money pouring into congressional race for seat held by Torres Small,” Scott Turner, Albuquerque Journal, 11/29/2019

¹⁵⁷ “Republicans Herrell, Chase speak at Lincoln County GOP meeting,” Dianne Stallings, Ruidoso News, 1/15/2020

¹⁵⁸ “Republicans Herrell, Chase speak at Lincoln County GOP meeting,” Dianne Stallings, Ruidoso News, 1/15/2020

¹⁵⁹ “Democrat outraises GOP foes in key House race in New Mexico,” Russell Contreras, Associated Press, 2/3/2020

¹⁶⁰ “Torres Small outpaces US House rivals in fundraising,” Scott Turner, Albuquerque Journal, 2/4/2020

¹⁶¹ “Torres Small outpaces US House rivals in fundraising,” Scott Turner, Albuquerque Journal, 2/4/2020

¹⁶² “BY THE NUMBERS: NM-02 Republicans Flounder While Rep. Torres Small Heads into 2020 Strong,” Press Release, DCCC, 2/3/2020

¹⁶³ “Corruption Reigns Supreme in NM-02 Republican Primary,” Press Release, DCCC, 2/4/2020

Spoke at Chaves County Republicans pre-primary convention

In February 2020, Herrell spoke at the Chaves County Republicans pre-primary convention. Herrell spoke about her decision to run again, saying, “You know what I decided is, I could either get mad, or I could get mad, pray about it and do something.” She added that her time in office allowed her to form relationships at federal and state levels while keeping close to the communities in the 2nd District.¹⁶⁴

Claimed in ad that she lost 2018 election due to “signs of fraud” in ballots

In February 2020, Herrell claimed in an ad that she “won” in 2018 “but the Democrats took it away” with “eight thousand absentee ballots [that] appeared without voter ID protection, and hundreds marked after the deadline, many with signs of fraud.” Herrell added, “Just like President Trump, if liberals can’t beat us, they’ll cheat us.” Santa Fe New Mexican columnist Milan Simonich said Herrell was blaming “unidentified cheats for her loss in the 2018 election” and called Herrell a “sore loser” and “a desperate campaigner.”¹⁶⁵

Herrell’s campaign later issued a statement after receiving criticism for the ad. The statement read, “The law is clear: absentee ballots must have the voter’s correct name, birth year, address, and signature. Ballots must also be received before 7 p.m. on Election Day. Yet as our attorney’s report clearly showed, the law was ignored by Democrats in Doña Ana County.” They also claimed that if they requested to inspect the other counties’ absentee ballots, they were “confident that more than enough illegal ballots would have been found to overturn the results.” The spokesperson for New Mexico Secretary of State Maggie Toulouse Oliver said Herrell’s claims were “patently false and extremely misleading to voters in CD2.”¹⁶⁶

Herrell’s campaign manager pretended to shoot donkey piñata at voter drive

In February 2020, the Las Cruces Sun-News reported that Herrell’s campaign manager Dakotah Parshall had pretended to shoot a donkey piñata, thought to represent Democrats, at a Republican-sponsored voter registration drive. The caption of a picture of Parshall aiming the gun referenced him shooting it at the donkey “for passing SB5.” Senate Bill 5, or the “red flag” law, had been recently passed by New Mexico legislators and would allow for protective orders requiring the temporary surrender of guns by individuals who present a danger to themselves or others. A complaint over the event had been filed with the New Mexico Secretary of State after pictures of individuals aiming a gun at the donkey piñata surfaced online, and a spokesman confirmed they would investigate.¹⁶⁷

Named to NRCC “Young Guns” list

In February 2020, Herrell and Claire Chase were named to the NRCC’s “Contender” candidates list, the second tier of the 2020 Young Guns program. The program required candidates to work towards specific goals and benchmarks throughout the cycle to stay competitive.¹⁶⁸

Received almost 65 percent of vote at New Mexico Republican Pre-Primary Convention

In March 2020, Herrell received 168 votes, or almost 65 percent, at the state’s Republican Party Pre-Primary Convention in Albuquerque. Claire chase received roughly 32 percent of the votes. Herrell said

¹⁶⁴ “Republicans elect delegates, candidates speak at convention,” Alex Ross, Roswell Daily Record, 2/7/2020

¹⁶⁵ “Losing candidate delivers hot-air ad,” Milan Simonich, The Santa Fe New Mexican, 2/14/2020

¹⁶⁶ “Herrell ad claims Democrats ‘took’ election,” Michael McDevitt, Las Cruces Sun-News, 2/15/2020

¹⁶⁷ “GOP uses donkey for target practice at gun show,” Algernon D’Amassa, Las Cruces Sun-News, 2/15/2020

¹⁶⁸ “National Republican Congressional Committee: McCarthy Announces 35 Candidates in First Round of Young Gun ‘Contenders’,” Targeted News Service, 2/20/2020

of the results, "I knew we've worked very hard over the last year. I'm very excited about our momentum ... We'll continue to do what we've been doing, and I'm all about making relationships in my district. People will see more from my opponents on TV. I'm more about meeting people in the flesh and talking about my experience."¹⁶⁹

DCCC criticized Herrell's pre-primary delegate support over her "history of ethics problems"

In March 2020, the DCCC criticized Herrell's majority support at the New Mexico Republican Party's pre-primary convention in a press release, saying her "history of ethics problems" didn't stop "a majority of delegates. . . from throwing their support behind her." The release warned that voters wouldn't "forget the serious ethics problems that sunk [Herrell's] campaign last cycle."¹⁷⁰

Campaign manager said Herrell events would "limit in-person exposure" during coronavirus

In March 2020, Herrell's campaign manager said that they would focus on remotely reaching voters during the coronavirus pandemic. Manager Dakotah Parshall said, "With restrictions and precautions put in place due to the outbreak, our campaign will focus on taking our message to New Mexico voters in ways that limit in-person exposure."¹⁷¹

Said that campaign support from out-of-state groups demonstrate importance of race

In March 2020, Herrell addressed questions from Eyewitness News about how she accounted for 73% of her campaign contributions being from out of state. Herrell noted that the focus was larger than New Mexico, citing that Republicans taking back the U.S. House was at stake.¹⁷²

Reporter: Seventy three percent of Yvette Herrell's contributions are from out of state. She's also received nearly 60 thousand dollars from the conservative PSC "House Freedom Fund." How do you account for so much interest out of New Mexico? ¹⁷³

Herrell: How I account for it is-- it's because these races are so important to the country. It's not just about NM right now, what's at stake is taking back the House of Representatives and clearly this going to affect people all over the nation. ¹⁷⁴

Reported roughly \$380,000 in cash on hand

In April 2020, Herrell reported that she had raised over \$122,600 in the first quarter of 2020. She ended the quarter with about \$380,000 in cash on hand. Herrell was outraised by Claire Chase, who raised almost \$320,000 in the quarter but had only \$264,000 in cash on hand due to large television and radio ad buys. Chase's campaign manager replied to the reports and questioned Herrell's ability to beat Torres Small after being outraised by Chase. Herrell's manager responded, "We are incredibly grateful for New Mexicans' continued support of Claire's candidacy. Fundraising has only gotten harder as the country deals with coronavirus and nominating a lackluster fundraiser like Yvette Herrell would prove catastrophic to Republicans' chances of taking back this seat in November."¹⁷⁵

Herrell called for multiple debates with Chase before primary

¹⁶⁹ "Martinez, Ronchetti top GOP senate candidates," Scott Turner, Albuquerque Journal, 3/7/2020

¹⁷⁰ "Republicans in Disarray: GOP Poised to Repeat History in NM-02 with Nasty Primary Fight," Press Release, DCCC, 3/7/2020

¹⁷¹ "Outbreak changing the way candidates campaign in state," Scott Turner, Albuquerque Journal, 3/21/2020

¹⁷² Eyewitness News 4 at 10, KOB NBC, Aired 1:00 AM, 3/4/2020

¹⁷³ Eyewitness News 4 at 10, KOB NBC, Aired 1:00 AM, 3/4/2020

¹⁷⁴ Eyewitness News 4 at 10, KOB NBC, Aired 1:00 AM, 3/4/2020

¹⁷⁵ "Torres Small has \$2.6M fundraising advantage over GOP rivals," Scott Turner, Albuquerque Journal, 4/16/2020

In April 2020, Herrell called for multiple televised and radio debates with Chase before the primary election. Herrell's manager Dakotah Parshall said, "Our campaign has already been in touch with the media and (has) found strong interest in hosting debates in this race. We believe there should be three TV debates in addition to three radio debates. The voters in New Mexico's Second District deserve to hear directly from the candidates in this race, and it is our hope that outlets are able to organize debates despite the continued restrictions imposed by the (New Mexico) governor." The call for debates came after Chase skipped a virtual debate hosted by the Federated Republican Women of Lea County.¹⁷⁶

Discussed reasons for running for Congress in podcast appearance

In April 2020, Herrell discussed her motivation for running for Congress in an appearance on Trent Loos's Rural Route Radio podcast. According to a DCCC tracking report, Herrell said that her district didn't have a real voice at the table as all of New Mexico's congressional delegation was "progressive Democrats." Herrell cited her experience in the state legislature and said the state had moved away from common sense leadership.¹⁷⁷

Responded to attack ads from Chase campaign

In May 2020, Herrell responded to ads run by Chase claiming that Herrell undermined Trump's campaign and failed to show adequate support for the president. Herrell said, "I am staying focused on the issues that matter to the people of New Mexico's Second District such as the critically important energy and ag industries, as well as safely reopening our economy so our small businesses and rural communities can survive."¹⁷⁸

DCCC highlighted Albuquerque Journal article calling race "negative and nasty"

In May 2020, a DCCC press release highlighted an Albuquerque Journal article that called the Republican primary "negative and nasty" and noted that candidates' behavior "could cost the nominee some early momentum," potentially hurting their standing with moderate voters.¹⁷⁹

Discussed why she wanted to be in Congress in Q&A

In May 2020, Herrell discussed why she wanted to be in Congress in a Q&A with the Albuquerque Journal. Herrell said, "New Mexico is my home. People know me as a principled leader putting their values above politics. Bringing eight years of legislative experience to this race, I want to continue working with the people of New Mexico, so we can carry a voice to Congress that will accurately represent our values, our culture, and protect the future of our state."¹⁸⁰

Challenged her opponents to 6 debates before the primary

In May 2020, Herrell's campaign responded to Claire Chase's call for a GOP primary debate by suggesting that there should be three televised debates in addition to three radio debates. The campaign also noted that they hope such debates can be organized in spite of COVID-19 health restrictions. Herrell received criticism during her 2018 campaign for a lack of participation in any televised debates, and vowed to not repeat the same mistake.¹⁸¹

¹⁷⁶ "GOP US House hopefuls in New Mexico press for TV debates," Russell Contreras, Associated Press, 4/30/2020

¹⁷⁷ "Radio Interview: Rural Route Radio with Yvette Herrell," DCCC, 4/30/2020

¹⁷⁸ "GOP U.S. House race gets 'negative and nasty'," Scott Turner, Albuquerque Journal, 5/1/2020

¹⁷⁹ "Albuquerque Journal: 'GOP U.S. House race gets 'negative and nasty'", Press Release, DCCC, 5/1/2020

¹⁸⁰ "Q&A: Congressional District 2 Yvette Herrell," Anthony Jackson, Albuquerque Journal. 5/5/2020

¹⁸¹ ["GOP hopefuls seeking to challenge Torres Small push for debates," Associated Press, KVIA ABC-7, 5/1/2020](#)

Our campaign has already been in touch with the media and (has) found strong interest in hosting debates in this race. We believe there should be three TV debates in addition to three radio debates. The voters in New Mexico's Second District deserve to hear directly from the candidates in this race, and it is our hope that outlets are able to organize debates despite the continued restrictions imposed by the (New Mexico) governor.

Herrell skipped first primary radio debate after calling for multiple debates

In May 2020, Herrell declined to participate in the first major debate with her opponents in the Republican primary. Herrell said she skipped the debate, which was to be held on radio station KIVA in Albuquerque, because host Eddy Aragon had "endorsed against her." Aragon said he had endorsed Chase but always allowed candidates equal time on the station. Herrell's campaign added that she would participate in a KRWG TV and radio debate later in the month and in smaller events held by county Republican groups.¹⁸²

Super PAC released second ad attacking Herrell

In May 2020, Citizens for a United New Mexico, a Super PAC connected to New Mexico trucking executive Butch Mathews, released a second ad criticizing Herrell. The 30-second ad charged Herrell with lying in her attack ads against Claire Chase.¹⁸³

Participated in debate on W105 radio station

In May 2020, Herrell participated in a debate on W105 radio station with Claire Chase and Chris Mathys. According to a DCCC tracking report, Herrell's opening statement focused on her public service experience and her work with Steve Pearce. She said that she stood with Trump and his supporters and noted that she was pro-life, pro-business, pro-gun, pro-God, and pro-family. She also claimed to have the support of "constitutional sheriffs."¹⁸⁴

Eddy County sheriff switched endorsement from Herrell to Chase

In May 2020, Eddy County Sheriff Mark Cage announced that he would be switching his congressional endorsement from Herrell to Claire Chase over claims that Herrell leaked rumors about Chase cheating on her ex-husband.¹⁸⁵

Claimed she was most electable candidate in interview with Albuquerque Journal

In May 2020, Herrell claimed that she was the most electable candidate in an interview with the Albuquerque Journal. Herrell said she was "more about meeting people in the flesh and talking about [her] experience," and added that people saw her "as a principled leader putting their values above politics."¹⁸⁶

Republican strategists worried that Herrell's brand was weakened by attacks on Chase

In May 2020, The Hotline reported that several national Republican strategists were worried that if Herrell were to win the Republican primary, her brand would be weakened over her personal attacks on

¹⁸² "GOP hopeful in crucial US House race skips 1st radio debate," Russell Contreras, Associated Press, 5/8/2020

¹⁸³ "Super PAC Out With Second Ad Attacking Herrell in NM-02," Kirk A. Bado, The Hotline, 5/14/2020

¹⁸⁴ "GOP Debate," DCCC Tracking Report, 5/15/2020

¹⁸⁵ "Sheriff Switches Endorsement from Herrell to Chase," Kirk A. Bado, The Hotline, 5/19/2020

¹⁸⁶ "Feuding GOP CD2 candidates aren't far apart on issues," Scott Turner, Albuquerque Journal, 5/19/2020

opponent Claire Chase. The attacks included allegations that Chase had engaged in an extramarital affair and was looking for romantic partners with money.¹⁸⁷

Patriot Majority PAC aired ads in support of Herrell

In May 2020, Patriot Majority PAC, a liberal super PAC, began airing ads attacking Claire Chase and promoting Herrell as a better Republican candidate. The ad called Herrell “100% loyal to Trump” and noted that she was “backed by 11 pro-gun sheriffs and Cowboys for Trump.” The ad came as Democrats expressed concerns that Chase would be a tougher candidate for Torres Small in a general election and began coordinated efforts to weaken Chase in the primary. Herrell said the ad was “an attack” from liberals and added, “They know I am leading the Republican race and are already starting their general election attacks on me. Their liberal attacks won’t work.”¹⁸⁸

Reported over \$45k in pre-primary period fundraising

In May 2020, Herrell reported in her pre-primary report, covering the period between April 1 and May 13, 2020, that she had raised over \$46,000 and spent over \$353,000 during the period. Herrell reported over \$820,000 in total funds raised since early 2019 and ended the period with just over \$70,000 in cash on hand.¹⁸⁹

Touted conservative endorsements and experience in interview

In May 2020, Herrell was interviewed by the Gallup Independent about her candidacy. Herrell said she was running to restore conservative values, “stand up for the people, and support President Trump.” Herrell described herself as an entrepreneur “who has owned and operated several successful small businesses” and said that is why she believed that “big government is not the answer.” Herrell said she valued “hard work and determination” and as a member of the New Mexico House, she “worked to put people before politics.” Herrell also touted her endorsements from prominent conservative figures including Jim Jordan, Mark Meadows, and Ted Cruz.¹⁹⁰

Herrell’s campaign manager confirmed he moved to manage another campaign

In May 2020, Herrell’s campaign manager Dakotah Parshall confirmed he moved to Kansas to manage the campaign of U.S. Senate candidate Dave Lindstrom. Parshall said he was still involved in Herrell’s campaign but did not specify his role.¹⁹¹

High outside spending reported in race

In May 2020, the Albuquerque Journal reported that outside groups were spending high amounts in the 2nd District’s Republican primary. One pro-Herrell PAC had spent almost \$90,000 to date, with \$80,000 of the funds going against Claire Chase. The House Freedom Fund and House Freedom Action had spent a combined \$442,000 in the race on behalf of Herrell, with \$225,000 of that going against Chase. Other groups who spent in support of Herrell included Right Women PAC, Women Vote, and Patriot Majority. Herrell said that she believed liberal super PACs including Women Vote and Patriot Majority had “no business getting involved in this primary,” adding, “We can only control what our campaign does, and

¹⁸⁷ “Bitter GOP Primary in NM-02 Leaves Some Worried About November,” Kirk A. Bado, The Hotline, 5/22/2020

¹⁸⁸ “Dem super PAC pushes ‘weak’ GOP US House primary candidate,” Russell Contreras, Associated Press, 5/23/2020

¹⁸⁹ “Chase, Ronchetti lead GOP hopefuls in fundraising,” Alex Ross, Roswell Daily Record, 5/26/2020

¹⁹⁰ “U.S. House of Representatives: District 2 – Republicans; Yvette Herrell,” The Gallup Independent, 5/27/2020

¹⁹¹ “GOP contest for US House seat in New Mexico limps to end,” Russell Contreras, Associated Press, 5/28/2020

we are 100% focused on our positive message of reopening our economy, supporting our ag and energy industries, standing for our constitutional rights, and backing President Trump's agenda."¹⁹²

Herrell said she signed pledge to support winner of June 2 primary

In May 2020, Herrell said she had signed the Republican Party of New Mexico's pledge to support the winner of her primary, regardless of outcome. Herrell said, "I signed the RPNM pledge from the fall saying that I would support the eventual nominee in the race. I intend to abide by that promise, and I hope my fellow Republicans do the same."¹⁹³

Herrell depicted in video of rally where Couy Griffin made "dead Democrat" comments

In May 2020, KRQE (CBS) aired a video of Herrell at a rally in which Otero County Commissioner and Cowboys for Trump founder Couy Griffin said, "I've come to the conclusion that the only good Democrat is a dead Democrat." Herrell did not respond to reporter requests for comments. Cowboys for Trump decried critics who did not air Griffin's full comments, which included, "I'm saying it politically speaking."¹⁹⁴

Cited self-defense in release of Trump-centered ads

In May 2020, Herrell participated in an interview with KOB-4 TV, in which she addressed questions on ads that had been primarily focused Donald Trump support. Herrell admitted that she did not like the style that her campaign had to take on for the primary, but suggested that it was necessary for self defense.¹⁹⁵

I don't like that we have to campaign the way we have to campaign, but I think we've kept a good balance on keeping people informed on issues, what is happening, but's it's a catch 22 – you gotta defend yourself.

¹⁹² "Outside groups spending millions on House race," Scott Turner, Albuquerque Journal, 5/29/2020

¹⁹³ "US House GOP primary candidates vow to back nominee," Alex Ross, Roswell Daily Record, 5/30/2020

¹⁹⁴ KRQE News, KRQE CBS, Aired 5:00 PM, 5/20/2020

¹⁹⁵ ["Get to know the Republican candidates in CD2," KOB4, 5/13/2020](#)

STATE CAMPAIGN FINANCE

RECEIPTS

KEY INDUSTRY: TOBACCO

Herrell has taken \$4,000 from tobacco companies

Between August 2010 and October 2016, Herrell’s state campaign committee received \$4,000 from Reynolds American Inc (aka RAI Services) and Altria. (Note: the Altria donations are logged as from the company – rather than from an individual – but appear to have come from Altria lobbyist Jack Dillard, whose name is listed in the Occupation field.)

Donor	Total \$
Altria Client Services	\$2,400.00
RAI Services	\$1,300.00
Reynolds American Inc	\$300.00
Grand Total	\$4,000.00

First Name	Last Name	Amount	Date Contribution	Company Name	Occupation
Yvette	Herrell	\$500.00	8/11/2010	Altria Client Services	Jack Dillard
Yvette	Herrell	\$300.00	9/29/2010	Reynolds American Inc	Business
Yvette	Herrell	\$350.00	11/7/2011	Altria Client Services	Jack Dillard
Yvette	Herrell	\$300.00	12/27/2011	RAI Services	Business
Yvette	Herrell	\$350.00	10/4/2012	Altria Client Services	Jack Dillard
Yvette	Herrell	\$250.00	10/23/2013	Altria Client Services	Jack Dillard
Yvette	Herrell	\$300.00	6/20/2014	Altria Client Services	Jack Dillard
Yvette	Herrell	\$500.00	10/27/2014	RAI Services	Business
Yvette	Herrell	\$400.00	11/18/2015	Altria Client Services	Jack Dillard
Yvette	Herrell	\$250.00	9/16/2016	Altria Client Services	Jack Dillard
Yvette	Herrell	\$500.00	10/27/2016	RAI Services	Business

POLITICAL RELATIONSHIPS

PARTIES AND MOVEMENTS

EMILY'S LIST

EMILY's List sent mailer supporting Herrell

In May 2020, Women Vote, a super PAC affiliated with EMILY's List, sent out mailers comparing Herrell and Claire Chase in which Chase was called a "corporate lobbyist. . . [who] called Trump an a**hole" and Herrell was touted as "100% loyal to President Trump." The Daily Beast said the mailer was a move to boost Herrell's standing in the upcoming primary, signaling that some Democrats saw Chase as a tougher opponent for Torres Small in the general election.¹⁹⁶

HOUSE FREEDOM ACTION SUPER PAC

House Freedom Action Super PAC announced ad buy for Herrell

In May 2020, the House Freedom Action Super PAC, a group working to elect Tea Party-leaning candidates in U.S. House races, announced it would spend \$100,000 to help Herrell in the Republican primary. The move came as a Super PAC backing Claire Chase raised over \$75,000 in the first months of 2020 to fund attack ads against Herrell.¹⁹⁷

LEAGUE OF CONSERVATION VOTERS

Named Herrell to the "Dirty Dozen" for anti-environmental record

In October 2018, the League of Conservation Voters named Herrell to its "dirty dozen" list, which represented the worst anti-environmental House candidates. Herrell earned a lifetime score of zero from the League, who noted that she voted for every anti-environment measure in 2018 and proposed a bill that would allow New Mexico public lands to be sold to developers.¹⁹⁸

NEW MEXICO OIL AND GAS ASSOCIATION

New Mexico Oil and Gas Association criticized Herrell for attack on Chase

In February 2020, the New Mexico Oil and Gas Association criticized Herrell for claiming that Claire Chase endorsed "Green New Deal" policies. The ad said Chase refused to oppose a 2019 landmark energy law that would push New Mexico towards more renewable energy while Chase was chair of the association, which took a neutral stance on the law. Chase's campaign manager said Herrell was "embarrassed of her record as a career politician that supported massive tax increases," and the New Mexico Oil and Gas Association called Herrell's claim a "baseless political attack."¹⁹⁹

REPUBLICAN PARTY

Named as contender in the National Republican Congressional Committee's "Young Guns" program

¹⁹⁶ "Dem Group EMILY's List Is Meddling in a GOP Primary—Hoping to Boost a Trumper; Mailers being sent out in New Mexico appear designed to get an easier-to-beat Republican through the primary.," Lachlan Markay, The Daily Beast, 5/26/2020

¹⁹⁷ "Tea Party-linked Super PAC to spend \$100K to support Herrell," Russell Contreras, Associated Press, 5/4/2020

¹⁹⁸ "LCV Victory Fund Fills Final 3 House Dirty Dozen Slots," League of Conservation Voters, 10/19/2018

¹⁹⁹ "New Mexico oil group, GOP House hopeful condemn candidate ad," Russell Contreras, Associated Press, 2/26/2020

In June 2018, the National Republican Congressional Committee added Herrell to its list of "Young Guns" contenders, a program in which candidates "receive the tools they need to run successful, winning campaigns."²⁰⁰

Received support from Congressional Leadership Fund, a GOP super-PAC

In September 2018, the Republican Congressional Leadership Fund super-PAC spent \$700,000 on ads for Herrell, who was outraised by Xochitl Torres-Small.²⁰¹

NATIONAL RIFLE ASSOCIATION

Endorsed by the NRA in U.S. House general election

In October 2018, The National Rifle Association endorsed Herrell for the U.S. House of Representatives in the 2nd Congressional District of New Mexico, citing her support of concealed carry reciprocity and opposition of weapon bans. The National Rifle Association also noted Torres Small's support of Democratic gun control measures.²⁰²

Herrell strongly opposes the Pelosi/Schumer/Bloomberg gun control agenda and will vote for legislation to protect and expand Americans' Second Amendment freedoms. She supports concealed carry reciprocity legislation, which would ensure that the nearly 20 million law-abiding Americans who can carry a concealed firearm in their home state are able to legally carry concealed across state lines. She also supports veterans' Second Amendment rights and opposes bans on commonly owned rifles and ammunition.²⁰³

Herrell's opponent, Xochitl Torres Small, supports gun control measures backed by Nancy Pelosi and extreme-anti-gun elites like former New York City mayor Michael Bloomberg. She would vote to criminalize the private transfer of firearms which, according to the Obama Justice Department, is only enforceable through federal firearms registration.²⁰⁴

Attended National Rifle Association charity dinner in Cibola County

In September 2018, Herrell attended a National Rifle Association charity dinner to raise funds for 4H program grants in Cibola County. Herrell said that she attended for "supporting the kids and making sure that they benefit."²⁰⁵

TEA PARTY

Endorsed by Tea Party PAC

In October 2018, the Tea Party Express PAC endorsed Herrell for the U.S. House in New Mexico District 2. The group cited Herrell's "intimate understanding of the burdens government places on New Mexico's families, businesses, job creators, and schools," as well as her commitment to "reining in the size, cost, and intrusiveness of the federal government."

Yvette Herrell knows that it is not the role of government to create jobs but rather to create an attractive environment that encourages job creators to continue investing. In her eight years in

²⁰⁰ "Herrell named as one of GOP's 'Young Guns,'" Michael Coleman, Albuquerque Journal, 6/16/2018

²⁰¹ "GOP super PAC enters five new House races after adding \$1.5 million to hold Ryan's seat," Mike DeBonis, Washington Post, 9/19/2018

²⁰² "NRA ENDORSES YVETTE HERRELL FOR U.S. HOUSE OF REPRESENTATIVES," State News Service, 10/11/2018

²⁰³ "NRA ENDORSES YVETTE HERRELL FOR U.S. HOUSE OF REPRESENTATIVES," State News Service, 10/11/2018

²⁰⁴ "NRA ENDORSES YVETTE HERRELL FOR U.S. HOUSE OF REPRESENTATIVES," State News Service, 10/11/2018

²⁰⁵ "NRA charity dinner for 4H," Diego Lopez, Cibola Citizen, 9/19/2018

the New Mexico House of Representatives, she has led the charge to reform a bloated state government and roll back job-killing regulations that serve only to enrich unelected bureaucrats. As a result of her efforts, she was named the most conservative member of the House as well as 'Hero of the Year' by the New Mexico Business Coalition. Yvette is committed to reining in the size, cost, and intrusiveness of the federal government, and she is a co-founder of the Balanced Budget Amendment Task Force.²⁰⁶

Tea Party-linked Super PAC spent \$100K to support Herrell in GOP Primary

In May 2020, the Tea Party-leaning House Freedom Action Super PAC spent \$100,000 funding digital ads in support of Herrell in the 2nd Congressional District Primary.²⁰⁷

HOUSE FREEDOM CAUCUS

Credited prominent endorsements for primary victory

In June 2018, Herrell credited campaign endorsements as a “key factor” to her victory in the GOP primary. Herrell noted that around 30 state legislators publicly backed her campaign, along with the National Rifle Association and other prominent groups.²⁰⁸ Herrell also received endorsements from members of the U.S. House’s conservative Freedom Caucus.²⁰⁹

²⁰⁶ “Tea Party Express Endorses Yvette Herrell for U.S. Congress in New Mexico,” Tea Party Express, 10/23/2018

²⁰⁷ “Tea Party-linked Super PAC to spend \$100K to support Herrell in southern New Mexico race,” Associated Press, 5/6/2020

²⁰⁸ “Herrell grinds her way to victory in primary,” Tim Keithly, Ruidoso News, 6/8/2018

²⁰⁹ “GOP GETTING WOMEN ON THE HOUSE BALLOT,” Dan Freedman, The Times-Union, 6/11/2018

NEW MEXICO

CHASE, CLAIRE

Criticized Claire Chase for “disdain for President Trump”

In September 2019, Herrell criticized primary opponent Claire Chase after several Facebook posts in which Chase criticized Trump in the 2016 primary election. Chase had used a vulgar word to describe Trump and said that former Alaska Gov. Sarah Palin’s endorsement of Trump made her “throw up in [her] mouth.” Herrell said of Chase’s posts, “I didn’t know Claire Chase harbored such disdain for President Trump. My support for a secure border, our Constitutional rights, and our president has never changed.”²¹⁰

Campaign responded to Chase’s high fundraising numbers

In October 2019, Herrell’s campaign responded to Chase’s report that she had raised over \$500,000 in just over a month. The amount was more than Herrell raised during the entire 2018 Republican primary. Herrell’s campaign manager, Dakotah Parshall, said he wasn’t surprised by the numbers because Chase “married into the wealthiest family in the state.” Parshall added, “To win this seat back in November, we need to nominate a pro-Trump conservative like Yvette Herrell.”²¹¹

Chase said Herrell’s poorly run 2018 campaign resulted in Trump’s impeachment

In December 2019, Chase claimed that Herrell’s campaign, which Chase said was not “worthy of defending our President and his agenda,” was weak and resulted in giving Democrats another vote in support of impeachment. Chase said, “Xochitl Torres Small’s vote to impeach President Trump was brought to you by Yvette Herrell and her failure to protect President Trump in 2018. By refusing to run a campaign worthy of defending our President and his agenda, Yvette hand delivered another member of the resistance to Nancy Pelosi who would join forces with her to reverse the results of the 2016 election.” Herrell’s campaign manager said in a response, “Claire Chase thought she could buy this seat, and is getting desperate as she discovers that’s not the case. She is losing this race by 30% as conservatives find out her true anti-Trump beliefs.”²¹²

Herrell’s campaign said they hoped Chase would address possible illegal contributions

In January 2020, Herrell’s campaign manager commented on a letter from the Federal Election Commission asking Chase to provide more information about \$45,000 in donations to her campaign. The donations appeared to come from corporations but weren’t from funds set aside for political donations. Chase’s campaign spokesman said it was a “desperate attempt by failed career politician Yvette Herrell distract from her lackluster fundraising.” Herrell’s campaign manager replied, saying Herrell hoped the mistakes would be fixed and adding, “Our campaign finance laws are in place to protect the integrity of our elections and every campaign should be following them.”²¹³

Chase ad criticized Herrell for not supporting Trump enough

In April 2020, Citizens for a United New Mexico, established by M&R Trucking executive Butch Mathews, took out an ad against Herrell criticizing her for not supporting Trump and attending an anti-Trump

²¹⁰ “GOP House candidate under fire for old anti-Trump posts,” Russell Contreras, AP, 9/14/2019

²¹¹ “GOP US House hopeful in key New Mexico race sees money surge,” Russell Contreras, AP, 10/8/2019

²¹² “US House hopeful blames impeachment on Herrell’s loss in ‘18,” Russell Contreras, Associated Press, 12/19/2019

²¹³ “Election officials probe GOP House hopeful on contributions,” Associated Press, 1/31/2020

event in San Diego at which attendees hung a Trump piñata from the ceiling.²¹⁴ Herrell claimed that the ad was backed by allies of opponent Claire Chase, who, like Mathews, was involved in the oil and gas industry.²¹⁵ Herrell said, “The decision by Claire Chase’s Super PAC to run a false attack ad filled with lies against me is disgusting - especially at a time when President Trump and New Mexicans have called for unity while we focus on the massive health and economic crisis. These false attacks from Claire’s desperate Super PAC should be immediately pulled from the airwaves.”²¹⁶

Herrell’s campaign also alleged that the ad may have been evidence of illegal coordination between the Chase campaign and the Super PAC that paid for the ads. Herrell’s campaign manager Dakotah Parshall said, “There should be a fair and thorough investigation into this immediately. If Claire Chase and her Super PAC are breaking the law, they need to be held accountable.” Chase’s manager dismissed the accusations and said Herrell had realized “she’s going to lose again” after being “exposed as a secret ‘Never Trumper.’”²¹⁷

DCCC highlighted Herrell’s allegation of illegal coordination after Chase ad

In April 2020, a DCCC press release highlighted Herrell’s call for an investigation into whether Claire Chase’s campaign illegally coordinated with an outside group in an attack ad. Herrell’s call came after an AP report showing ties between Chase’s campaign chair and a top donor to the Super PAC that took out the ad, and also followed previous allegations that Chase took potentially illegal corporate campaign contributions. The release also noted Herrell’s own history of “scandal,” citing her acceptance of \$440,000 in taxpayer-funded contracts while in the state legislature.²¹⁸

Chase called for Herrell to drop out over personal attack

In May 2020, Chase called for Herrell to drop out over claims Herrell spread false rumors about Chase’s marriage. In one instance, a retired Marine had claimed that Herrell called him after he announced his support for Chase on social media and told him that Chase cheated on her first husband while he was deployed in Afghanistan. Another instance included Herrell contacting a cartoonist requesting changes to a meme attacking Chase over her first marriage; messages showed that Herrell asked for Chase to be called “gold-digging.” Chase and her ex-husband denied the allegations and Herrell denied that she was attempting to wield personal rumors against Chase.²¹⁹

A spokesperson for Herrell confirmed that her text messages with the cartoonist were accurate but claimed that Herrell was “just responding” to the man, who had “texted her nonstop.” In a statement on the allegations, Herrell said, “I have never attempted to use personal rumors about Claire in this race, and will never do so. Neither has my campaign. I will take any legal steps necessary to protect myself against libel.” She later said she would not be dropping out of the race, adding, “This is yet another disgraceful and false attack on my character, and we know New Mexico voters will see through these blatant lies. The people of our district deserve a race focused on the issues that matter, not sensationalist tabloid media stories.”²²⁰

²¹⁴ “Super PAC Out With Anti-Herrell Ad,” Kirk A. Bado, The Hotline, 4/6/2020

²¹⁵ “Super PAC: GOP House hopeful in New Mexico ‘bashing’ Trump,” Russell Contreras, Associated Press, 4/6/2020

²¹⁶ “Super PAC: GOP House hopeful in New Mexico ‘bashing’ Trump,” Russell Contreras, Associated Press, 4/6/2020

²¹⁷ “Records: Super PAC raises \$75K to attack GOP House hopeful,” Russell Contreras, Associated Press, 4/21/2020

²¹⁸ “Corruption Charges Ramp Up in NM-02 Republican Primary,” Press Release, DCCC, 4/21/2020

²¹⁹ “Chase Calls for Herrell to Drop Out After Personal Attack,” Kirk A. Bado, The Hotline, 5/5/2020

²²⁰ “GOP US House primary in New Mexico gets personal, nasty,” Russell Contreras, Associated Press, 5/5/2020

MARTINEZ, SUSANA

Criticized by Republican governor who doubted Herrell's ability to represent the state fairly

In June 2018, New Mexico Gov. Susana Martinez (R) expressed concerns about Herrell as the GOP congressional nominee "with reference to her ability to represent New Mexico in a fair and reasonable way." While Martinez did not elaborate further, the Albuquerque Journal noted that Martinez refused to endorse Donald Trump in 2016,²²¹ and that Herrell was a "a hard-right-leaning conservative," who once said that she had been "'on the Trump train since Day One.'"²²²

I'm certainly going to support our Republican. But I think there are some questions with reference to her ability to...represent New Mexico in a fair and reasonable way.²²³

Martinez and Herrell staffers disagreed over cause of loss in 2018

In November 2018, the Albuquerque Journal reported that several of outgoing Republican Governor Susana Martinez's former staffers had blamed Herrell's congressional loss on poor state Republican leadership, including party officials associated with Herrell's campaign. Advisors associated with Herrell's campaign said that more help from Martinez in the general election may have helped her win and cited that White House officials had wanted Martinez to be more involved in the race. Martinez had not campaigned for either candidate and previously criticized Herrell in an interview, saying that there were "some questions with reference to her ability to represent New Mexico in a fair and reasonable way."²²⁴

MATHYS, CHRIS

Mathys was accused of making "untrue accusations" against Herrell

In September 2019, Mathys was criticized by the Republican Party of New Mexico for making "intentional misstatements of the facts and untrue accusations" against Herrell. Mathys had falsely claimed that a bill filed by Herrell during her time as a state representative was "pro-abortion," while the bill had actually called for a ban on abortions after the 20th week of pregnancy. Herrell called the criticism a smear and shared a statement by three New Mexico anti-abortion organizations calling his criticism "misinformed and out of step with the pro-life movement." Herrell also released a campaign statement, which read:²²⁵

These false attacks on the entire pro-life movement in our state are politics at its worst. I believe that life starts at conception, and I am grateful that so many pro-life, legislative, and party leaders have pointed out how misleading this attack is. While we would like to see all abortion eliminated, this bill was major step forward that gained 23 co-sponsors, united the pro-life movement and brought people from across the aisle together to end the barbaric practice of late-term abortion.

Mathys claimed Herrell voted for a budget that gave her own company \$440,000

In January 2020, Mathys claimed in an op-ed that Herrell "misled her constituents as a state legislator" and that she "voted for a budget that awarded her company, 'Herrell Properties,' a state contract for \$440,000." Mathys claimed that Herrell denied receiving the money.²²⁶

²²¹ "NM2: GOP Gov," The Frontrunner, 6/8/2018

²²² "Republican Gov. Martinez attacks GOP nominee for Congress," Associated Press, 6/7/2018

²²³ "Republican Gov. Martinez attacks GOP nominee for Congress," Associated Press, 6/7/2018

²²⁴ "NM GOP starts blame game in wake of blue wave; Current leadership at odds with Martinez faction after losses," Albuquerque Journal, 11/10/2020

²²⁵ "State GOP slaps candidate for 'false statements'," Algernon D'Amassa, Las Cruces Sun-News, 9/28/2019

²²⁶ "Put public service over personal self-interests," Chris Mathys, Las Cruces Sun-News, 1/5/2020

PEARCE, STEVE

DCCC highlighted Pearce's lack of endorsement during primary

In September 2019, the DCCC highlighted that former Republican Congressman Steve Pearce, who previously represented New Mexico's 2nd congressional district, told the Albuquerque Journal that he wasn't "endorsing anyone in the GOP primary to fill the House seat he once held." The release claimed that his refusal to endorse showed "his lack of confidence in any one of the options in the field and undoubtedly [came] as a disappointment" to both candidates. A DCCC spokesperson said it was no surprise that Pearce didn't "want to put his reputation on the line for anyone in this weak field of candidates."²²⁷

TORRES SMALL, XOCHITL

Claimed Torres Small didn't want to debate Republican field

In May 2020, Herrell claimed in a Republican debate on KWMW AM that "Xochitl Torres Small doesn't want to debate" anyone in the Republican primary field. Her claim followed criticism over Herrell refusing to debate Torres Small in 2018.²²⁸ According to a DCCC tracking report, Herrell also said she was excited to beat Torres Small a second time.²²⁹ Herrell said Torres Small was "anything but a moderate" and claimed she was being funded by out of state interests, adding that Torres Small was scared to run against her.²³⁰ She also said that she knew what went wrong with her 2018 campaign and was raising just as much money as Claire Chase but was spending it slower.²³¹

Said Torres Small acted hypocritically

In May 2020, Herrell criticized Torres Small during a debate on KSVP, saying, "In my opinion she has not done a good job. She has done a great job of telling us one thing and then certainly doing something very different when she is in Washington, D.C."²³²

WOOLEY, BOB

Attended dinner honoring Wooley

In December 2018, Herrell attended a Chaves County Federated Republican Women dinner in honor of state Rep. Bob Wooley ahead of his term's expiration. Herrell said of Wooley, "He has just been great, and [we] have been blessed. . . When bill's weren't right, when votes went bad, Bob was one of the first to absolutely call that person out and just express his concern for the way things were going."²³³

²²⁷ "ICYMI: Former NM-02 Congressman Steve Pearce Refuses to Endorse Weak GOP Field," Press Release, DCCC, 9/3/2019

²²⁸ "GOP House hopefuls in New Mexico tout Trump love in debates," Russell Contreras, Associated Press, 5/15/2020

²²⁹ "GOP Debate," DCCC Tracking Report, 5/15/2020

²³⁰ "GOP Debate," DCCC Tracking Report, 5/15/2020

²³¹ "GOP Debate," DCCC Tracking Report, 5/15/2020

²³² "GOP House candidates discuss stimulus, reopening," Alex Ross, Roswell Daily Record, 5/19/2020

²³³ "Local Republican women honor Wooley," Alex Ross, Roswell Daily Record, 12/19/2018

NATIONAL

CONWAY, KELLYANNE

Received support from Kellyanne Conway at GOP rally

In November 2018, Kellyanne Conway attended a Get Out the Vote rally hosted by the Republican Party of Lincoln County and encouraged attendees to show up for Yvette Herrell. Conway cited Herrell's alignment with Trump on the NAFTA trade agreement and immigration enforcement, and discussed the effects on illegal immigration on the opioid crisis and the U.S. economy.²³⁴

We can't be a sovereign country that doesn't have physical borders. We've spent billions and billions of dollars for decades trying to protect other countries borders. It's high time we did that here in our country. Border security is national security and economic security.

Herrell knows how to negotiate, how to build consensus and know who to stand firm on principal when you have an opportunity to fatten New Mexicans pocket books and keep their property rights in tack. Also, Herrell knows we can have a reasonable immigration policy that still welcomes people who want to immigrate here legally. Herrell has been very straight forward in saying that in addition to that we have people coming over illegally we have so much poison coming in.

The meth is up, the poppy fields in Columbia are producing a lot more a lot more than we were told coming through. Herrell is on top of that. She is not afraid to say it. She has also been very focused on the new trade agreement.²³⁵

CRUZ, TED

Herrell sought support for Cruz's presidential campaign in 2016

In January 2020, the Associated Press reported that Herrell had tried to recruit fellow Republican legislators to support Cruz in the 2016 Republican presidential primary. While Herrell did not explicitly say she supported Cruz over Trump in the email, it read, "If you support (Cruz) and would like to add your name to the growing list of State Legislators that are endorsing him around the country, please fill out the attached card and return it as directed." Herrell's opponents noticed that this stood in contrast to her claim that she supported Trump from "day one." Herrell's campaign manager dismissed the email and said Herrell was just being helpful to fellow legislators, adding, "As this email shows, Yvette did not endorse Sen. Cruz, but simply passed along information about his campaign to her colleagues when asked."²³⁶

Cruz endorsed Herrell's 2020 campaign

In May 2020, Cruz endorsed Herrell's 2020 congressional bid.²³⁷

GINGRICH, NEWT

Endorsed by Newt Gingrich

²³⁴ "Kellyanne Conway rallies GOP in NM; Trump counselor visited Ruidoso Get Out the Vote rally," Duane Barbati, The Alamogordo Daily News
²³⁵ "Kellyanne Conway rallies GOP in NM; Trump counselor visited Ruidoso Get Out the Vote rally," Duane Barbati, The Alamogordo Daily News, 10/30/2018

²³⁶ "GOP House hopeful's email questions early Trump support," Russell Contreras, Associated Press, 1/27/2020

²³⁷ "NRCC Narrowly Outraises DCCC in April," Kirk A. Bado, The Hotline, 5/14/2020

In October 2018, Newt Gingrich endorsed Herrell's run for the U.S. House in New Mexico District 2.²³⁸ In a radio interview with KUNM, Herrell noted that she and Rep. Steve Pearce had worked to get Gingrich elected to Congress.²³⁹

JORDAN, JIM

Jordan appeared in Herrell ad to promote her as tea party conservative

In April 2020, Jordan appeared in a television ad for Herrell and promoted her as a tea party conservative. In the ad, Jordan said, "I've known Yvette for years. She's rock solid."²⁴⁰

State Democratic party called for Herrell to return Jim Jordan contributions after sex abuse scandal

In July 2018, the New Mexico Democratic party called for Herrell to return over \$35,000 in contributions from Rep. Jim Jordan, who faced calls to resign for covering up sexual abuse at Ohio State University.²⁴¹

Rep. Jim Jordan campaigned for Herrell amidst sex abuse scandal

In September 2018, Rep. Jim Jordan campaigned for Herrell in New Mexico amidst accusations that he had covered up sexual abuse at Ohio State University.²⁴²

MEADOWS, MARK

Endorsed by Mark Meadows

In April 2020, Herrell touted her endorsement from White House Chief of Staff Mark Meadows after being hit for previous criticism of Trump in an ad from her opponent.²⁴³

TRUMP, DONALD

Criticized impeachment of Trump

In September 2019, Herrell reacted to the announcement of a formal impeachment inquiry into Trump. Herrell said, "Nancy Pelosi and her radical socialist allies know they can't beat President Trump at the ballot box, so now they are trying to impeach him over a phone call they didn't hear and haven't seen the transcript of. I will continue to stand in strong support of our President as I have always done, and I know that everyday hardworking New Mexicans will see through this stunt for the political charade it is."²⁴⁴

Blamed by Claire Chase for Trump impeachment

In December 2019, Claire Chase released a statement that suggested Herrell's 2018 loss led to Trump's impeachment, saying that there would have been one less vote to impeach him. Herrell called Chase's comments "desperate."²⁴⁵

Criticized GOP leadership and Trump administration for "lack of leadership"

²³⁸ "Yvette Herrell Sinks Deeper Into The Swamp," Democratic Party of New Mexico, 10/20/2018

²³⁹ "Yvette Herrell Sinks Deeper Into The Swamp," Democratic Party of New Mexico, 10/20/2018

²⁴⁰ "GOP US House hopefuls release mocking ads in New Mexico race," Russell Contreras, Associated Press, 4/24/2020

²⁴¹ "DPNM Chair Demands Herrell Return Jim Jordan Cash," Democratic Party of New Mexico, 7/18/2018

²⁴² "ICYMI: Amid sexual abuse cover up allegations, Rep. Jordan campaigns for Herrell in N.M.," Democratic Party of New Mexico, 9/17/2018

²⁴³ "GOP candidates claim to hold the 'Trump' card. Who's bluffing?," Erin Covey, National Journal Daily Extra, 4/9/2020

²⁴⁴ "Delegation, candidates react to impeachment," Algernon D'Amassa, Alamogordo Daily News, 9/26/2019

²⁴⁵ Eyewitness News 4 Weekend, KOB NBC, Aired 7:00 AM, 12/19/2019

In March 2020, Herrell discussed Trump's first two years in office with conservative podcast host Daniel Horowitz. Herrell said she felt GOP leadership could have done more to push a conservative agenda in 2017 and 2018, adding, "We saw a lack of leadership when we had the House and the Senate and the Administration ... We did absolutely nothing, and there are so many issues that could have been put to bed, that we could have addressed, that we haven't." While Herrell praised Trump for his policies, she also said that the federal government needed to address its spending under Trump.

After her interview, opponent Claire Chase's campaign quickly criticized her for "attacking President Trump's conservative leadership" and said Herrell sounded "more like Nancy Pelosi than a Republican candidate for Congress." Herrell's campaign manager replied, "Yvette meant exactly what she said in the interview: too many establishment Republicans in Washington refused to stand with President Trump and support his policies during his first two years in office."²⁴⁶

Ad criticized Herrell for not supporting Trump enough

In April 2020, Citizens for a United New Mexico, established by M&R Trucking executive Butch Mathews, took out an ad against Herrell criticizing her for not supporting Trump and attending an anti-Trump event in San Diego at which attendees hung a Trump piñata from the ceiling.²⁴⁷ Herrell claimed that the ad was backed by allies of opponent Claire Chase, who, like Mathews, was involved in the oil and gas industry.²⁴⁸ Herrell said, "The decision by Claire Chase's Super PAC to run a false attack ad filled with lies against me is disgusting - especially at a time when President Trump and New Mexicans have called for unity while we focus on the massive health and economic crisis. These false attacks from Claire's desperate Super PAC should be immediately pulled from the airwaves."²⁴⁹

Herrell's campaign also alleged that the ad may have been evidence of illegal coordination between the Chase campaign and the Super PAC that paid for the ads. Herrell's campaign manager Dakotah Parshall said, "There should be a fair and thorough investigation into this immediately. If Claire Chase and her Super PAC are breaking the law, they need to be held accountable." Chase's manager dismissed the accusations and said Herrell had realized "she's going to lose again" after being "exposed as a secret 'Never Trumper.'"²⁵⁰

Claimed she had been a Trump supporter "since day one" during candidate forum

In April 2020, Herrell claimed she had been a Trump supporter "since day one" during a candidate forum. According to a DCCC tracking report, she said that she knew while in the state legislature that "we needed an outside businessman who understood the economy of the country" and said she was "thankful that he is the one weathering the storm with Americans right now."²⁵¹

Praised Trump in radio appearance

In April 2020, Herrell praised Trump during an appearance on the Rural Route podcast. According to DCCC tracking reports, Herrell claimed Trump's approval rating had gone "way through the roof" in her district because of Republican-backed tax cuts.²⁵²

²⁴⁶ "GOP hopeful: Republican Congress showed 'lack of leadership'," Russell Contreras, Associated Press, 3/11/2020

²⁴⁷ "Super PAC Out With Anti-Herrell Ad," Kirk A. Bado, The Hotline, 4/6/2020

²⁴⁸ "Super PAC: GOP House hopeful in New Mexico 'bashing' Trump," Russell Contreras, Associated Press, 4/6/2020

²⁴⁹ "Super PAC: GOP House hopeful in New Mexico 'bashing' Trump," Russell Contreras, Associated Press, 4/6/2020

²⁵⁰ "Records: Super PAC raises \$75K to attack GOP House hopeful," Russell Contreras, Associated Press, 4/21/2020

²⁵¹ "Candidate Forum with Chris Mathys," DCCC, 4/25/2020

²⁵² "Radio Interview: Rural Route Radio with Yvette Herrell," DCCC, 4/30/2020

Cited self-defense in release of Trump-centered ads

In May 2020, Herrell participated in an interview with KOB-4 TV, in which she addressed questions on ads that had been primarily focused Donald Trump support. Herrell admitted that she did not like the style that her campaign had to take on for the primary, but suggested that it was necessary for self defense.²⁵³

I don't like that we have to campaign the way we have to campaign, but I think we've kept a good balance on keeping people informed on issues, what is happening, but's it's a catch 22 – you gotta defend yourself.

Criticized Torres Small for anti-Trump votes; pledged to turn New Mexico “red for President Trump”

In June 2020, Herrell discussed her general election strategy with KOB-4 (NBC) after her GOP primary win, citing Torres Small’s anti-Trump votes in a district that heavily supported Trump. Herrell also hoped to “turn the state red for President Trump.”

We've actually talked about this before. We know that our congresswoman ran as a moderate, but has portrayed a voting record is anything but, and we're ready to go to the mat on that.

She voted to impeach the president who has an 80% approval rating in the district voted against funding of the border wall and a number of things that are important to people in the second congressional district, so we are certainly ready to flip this seat and turn the state red for President Trump.²⁵⁴

Said that she would side with residents of Southern New Mexico over Trump

In March 2020, Herrell said during an interview with Eyewitness News that she would speak out against Trump if he had a policy or idea that would not work well for her district.²⁵⁵

Reporter: Say he has a policy or an idea that you don't think will work well for Southern NM, do you follow the party politics or do you side with what's best truly for NM?²⁵⁶

Herrell: You stand with the people and speak out against him just as I did when I was a state representative.²⁵⁷

²⁵³ [“Get to know the Republican candidates in CD2,” KOB4, 5/13/2020](#)

²⁵⁴ Eyewitness News Today, KOB NBC, Aired 4:00 AM MST, 6/3/2020

²⁵⁵ Eyewitness News 4 at 10, KOB NBC, Aired 1:00 AM, 3/4/2020

²⁵⁶ Eyewitness News 4 at 10, KOB NBC, Aired 1:00 AM, 3/4/2020

²⁵⁷ Eyewitness News 4 at 10, KOB NBC, Aired 1:00 AM, 3/4/2020

ENDORSEMENTS

2020

Endorsed by Susan B. Anthony List

In January 2020, Herrell was endorsed by pro-life group Susan B. Anthony List. The group also announced that it planned to spend over \$40 million in the 2020 cycle.²⁵⁸

2018

Endorsed by New Mexico Republican party in U.S. House run

In June 2018, the New Mexico Republican party endorsed Herrell over three other GOP candidates, including their former chairman Monty Newman.²⁵⁹

Endorsed by the Border Patrol Union

In November 2018, Herrell touted her endorsements from several prominent organizations, including the Border Patrol Union.²⁶⁰

Endorsed by Tea Party PAC

In October 2018, the Tea Party Express PAC endorsed Herrell for the U.S. House in New Mexico District 2. The group cited Herrell's "intimate understanding of the burdens government places on New Mexico's families, businesses, job creators, and schools," as well as her commitment to "reining in the size, cost, and intrusiveness of the federal government."

Yvette Herrell knows that it is not the role of government to create jobs but rather to create an attractive environment that encourages job creators to continue investing. In her eight years in the New Mexico House of Representatives, she has led the charge to reform a bloated state government and roll back job-killing regulations that serve only to enrich unelected bureaucrats. As a result of her efforts, she was named the most conservative member of the House as well as 'Hero of the Year' by the New Mexico Business Coalition. Yvette is committed to reining in the size, cost, and intrusiveness of the federal government, and she is a co-founder of the Balanced Budget Amendment Task Force.²⁶¹

Endorsed by the NRA in U.S. House general election

In October 2018, The National Rifle Association endorsed Herrell for the U.S. House of Representatives in the 2nd Congressional District of New Mexico, citing her support of concealed carry reciprocity and opposition of weapon bans. The National Rifle Association also noted Torres Small's support of Democratic gun control measures.²⁶²

Herrell strongly opposes the Pelosi/Schumer/Bloomberg gun control agenda and will vote for legislation to protect and expand Americans' Second Amendment freedoms. She supports concealed carry reciprocity legislation, which would ensure that the nearly 20 million law-abiding Americans who can carry a concealed firearm in their home state are able to legally carry

²⁵⁸ "Pro-Life Group Backs Eight Female GOP Candidates," The Frontrunner, 1/3/2020

²⁵⁹ "8 States Have Primary Elections on Tuesday. Here's What to Watch For," Maggie Astor, New York Times, 6/5/2018

²⁶⁰ "The Daily 202: Democrats are going to win House seats today that will be difficult to defend in 2020," Washington Post, 11/6/2018

²⁶¹ "Tea Party Express Endorses Yvette Herrell for U.S. Congress in New Mexico," Tea Party Express, 10/23/2018

²⁶² "NRA ENDORSES YVETTE HERRELL FOR U.S. HOUSE OF REPRESENTATIVES," State News Service, 10/11/2018



concealed across state lines. She also supports veterans' Second Amendment rights and opposes bans on commonly owned rifles and ammunition.²⁶³

Herrell's opponent, Xochitl Torres Small, supports gun control measures backed by Nancy Pelosi and extreme-anti-gun elites like former New York City mayor Michael Bloomberg. She would vote to criminalize the private transfer of firearms which, according to the Obama Justice Department, is only enforceable through federal firearms registration.²⁶⁴

²⁶³ "NRA ENDORSES YVETTE HERRELL FOR U.S. HOUSE OF REPRESENTATIVES," State News Service, 10/11/2018

²⁶⁴ "NRA ENDORSES YVETTE HERRELL FOR U.S. HOUSE OF REPRESENTATIVES," State News Service, 10/11/2018

PERSONAL POLITICAL ACTIVITY

PERSONAL POLITICAL DONATIONS

Summary

Yvette has made a total of \$23,491.11 in local candidate committee contributions, including nearly \$2,300 to her own state representative campaigns. She has made some contributions to local party committees and PACs.

On the federal level, Herrell has made few donations to other committees. She’s donated the most to her own campaigns. Although not listed here, Herrell did make a \$25,000 loan to her campaign in June 2020.

STATE AND LOCAL

Summary

With few exceptions, Herrell rarely gave to a candidate more than once (including her father). Her giving history does not meaningfully start until after she was elected to the legislature. Her donations to party committees and PACs are not significant—she donated less than \$250 total to PACs and less than \$2,000 to parties. She donated \$130 to the NM Association of Realtors PAC.

Candidate Committees

Donations to her own campaign:

Recipient Name	Office Sought	Party	Amount	Contribution Date
Yvette Herrell	State Representative	Republican	\$25.76	5/6/2010
Yvette Herrell	State Representative	Republican	\$1,033.31	Multiple Dates
Yvette Herrell	State Representative	Republican	\$1,232.04	12/29/2010

Donations to Other Candidate Committees:

Recipient Name	Office Sought	Party	Amount	Contribution Date
Dolores Connor	County Clerk	Republican	\$100.00	9/18/2012
Dinah Vargas	State Representative	Republican	\$500.00	4/30/2020
David Gallegos	State Representative	Republican	\$250.00	8/15/2012
Martin Zamora	State Representative	Republican	\$500.00	12/10/2017
Dianna Duran	Secretary Of State	Republican	\$500.00	11/20/2013
Jackey Chatfield	State Representative	Republican	\$1,000.00	3/23/2018
Erica Landry	State Representative	Republican	\$500.00	10/15/2012
J. Britt Snyder	County Sheriff	Republican	\$50.00	8/11/2017
Lisa Shin	State Representative	Republican	\$1,000.00	3/5/2018
Christina Hall	State Representative	Republican	\$1,000.00	5/24/2016
Michael Meyer	State Representative	Republican	\$1,000.00	2/26/2018



Neal Hooks	State Representative	Republican	\$1,000.00	Multiple Dates
David Cheek	State Representative	Republican	\$1,000.00	6/6/2018
Bob Wooley	State Representative	Republican	\$300.00	8/20/2012
Nora Espinoza	Secretary Of State	Republican	\$1,000.00	4/1/2016
Tommie Herrell	County Commissioner	Republican	\$1,000.00	9/17/2014
A Blair Dunn	State Senator	Republican	\$1,000.00	9/9/2016
Charles Miller	State Representative	Republican	\$500.00	11/17/2012
Rachel Black	State Representative	Republican	\$2,000.00	Multiple Dates
RoxeAnne Esquibel	District Attorney	Republican	\$100.00	5/1/2012
David Chavez	State Senator	Republican	\$300.00	Multiple Dates
William 'Bill' Rehm	State Representative	Republican	\$250.00	10/10/2012
Dianne Hamilton	State Representative	Republican	\$750.00	Multiple Dates
Kelly Fajardo	State Representative	Republican	\$2,400.00	Multiple Dates
Thomas Anderson	State Representative	Republican	\$500.00	9/14/2012
Sarah Maestas Barnes	State Representative	Republican	\$750.00	5/21/2016
William 'Bill' Rehm	State Representative	Republican	\$400.00	9/19/2016
Maryellen Ortega-Saenz	County Clerk	Republican	\$250.00	8/4/2016
Benjamin Rawson	County Commissioner	Republican	\$500.00	8/1/2018
Craig Brandt	State Senator	Republican	\$100.00	5/1/2012
Susana Martinez	Governor	Republican	\$500.00	4/10/2014
Robyn Holmes	County Clerk	Republican	\$200.00	9/26/2016

Parties

Name of Recipient	Contribution Amount	Date
Republican Party of Otero County	\$235.00	Multiple Dates
Republican Party of Chaves County	\$50.00	8/25/2017
Republican Party of Eddy County	\$96.80	1/30/2018
Republican Party of Otero County	\$1,200.00	3/24/2018
Republican Party of Dona Ana	\$35.00	8/19/2019

PACs

Name of Recipient	Contribution Amount	Date
Republican Women of Otero	\$70.00	Multiple Dates

County		
Grant Count Federated Republican Women PAC	\$25.00	1/18/2019
NM ASSOC OF REALTORS PAC	\$130.50	Multiple Dates

FEDERAL

Candidate Committees

Contributor Name	Occupation	Candidate	Contribution Type	Date	Amount
Yvette Herrell	Self Congressional Candidate	Yvette4Congress	Earmark	3/31/2019	\$5,400
Yvette Herrell	Self Congressional Candidate	Yvette4Congress	Earmark	8/7/2018	\$10
Yvette Herrell	Self Congressional Candidate	Yvette4Congress	Earmark	12/31/2017	\$2,700
Yvette Herrell	Self Congressional Candidate	Yvette4Congress	Earmark	9/30/2017	\$2,700
Yvette Herrell	Self Congressional Candidate	Yvette4Congress	Earmark	9/30/2017	\$537
Yvette Herrell	Self Congressional Candidate	Yvette4Congress	Earmark	9/30/2017	\$617

Contributor Name	Occupation	Candidate	Contribution Type	Date	Amount
Yvette Herrell	Self Real Estate Investor	Aubrey Dunn for Congress (NM-02)	Contribution	3/31/2008	\$1,000
Yvette Herrell	New Mexico State Representative	Janice Arnold-Jones for Congress (NM-01)	Contribution	9/7/2012	\$250
Rep. Yvette Herrell	State of NM State Representative	Allen Weh for Senate (NM Senate)	Contribution	10/17/2014	\$975

Yvette Herrell	NM State Legislature State Representative	People for Pearce (NM-02)	Contribution	8/3/2015	\$900
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Parties

Contributor Name	Occupation	Name of Recipient	Contribution Type	Date	Amount
Yvette Herrell	Self Employed	Republican Campaign Committee of New Mexico	Contribution	10/27/2009	\$180
Yvette Herrell	Self Employed Real Estate Investor	Republican Campaign Committee of New Mexico	Contribution	4/29/2011	\$250
Ms. Yvette Herrell	Self Employed Real Estate Investor	Republican Campaign Committee of New Mexico	Contribution	12/5/2018	\$60

PACs

No contributions to PACs were made.

POLITICAL PARTY TIME

Honorary Host for Heather Wilson for US Senate

The website PoliticalPartyTime.org aggregates publicly available fundraising invitations. On the website, Herrell’s name is listed as an Honorary Host for a 5/1/2012 fundraising event benefitting Heather Wilson’s campaign for US Senate. The reception took place at Mesa Verde Ranch in Alamogordo, New Mexico. A copy of the invitation is below:



Heather
UNITED STATES SENATE

Honorary Hosts
Representative Bill Gray & Representative Yvette Herrell

Host Committee
Cheri & Randy Rabon
Judy & Jeff Rabon

cordially invite you to a reception for
Heather Wilson

Tuesday, May 1, 2012
6:00 pm to 7:30 pm

Mesa Verde Ranch
472 La Luz Gate Road ■ Alamogordo, New Mexico 88310

Directions to Mesa Verde Ranch:
From HWY 54/70, turn West on La Luz Gate Road
Proceed approximately 5 miles to Mesa Verde Ranch Entrance
Turn Left and proceed to Barn

\$1000 Host
\$250 Suggested Contribution

RSVP to Noell Sauer at 505-899-2009 or noell_sauer@yahoo.com

Individuals may contribute up to \$2500 to the primary election and \$2500 to the general election. PACs may contribute \$5000 to the primary election and \$5000 to the general election. Political contributions are not deductible as charitable contributions for the purposes of federal income tax. Federal law requires political committees to report the name, mailing address, occupation and name of employer, for those whose contributions equal or exceed \$200 per election cycle. Contributions from foreign nationals are prohibited. No corporate checks or corporate credit cards may be accepted.

Paid for by Wilson for Senate

PO Box 10248, Albuquerque, NM 87184 www.heatherwilson.com

ORGANIZATIONS

REAL ESTATE COMPANIES

OVERVIEW

Summary

Herrell's family has been involved in real estate development for decades; her father and uncle developed their first subdivision in 1969. Herrell is a licensed real estate broker in partnership with her father, Tommie; they have operated under the names Future Real Estate, First Choice Real Estate, and Herrell Properties. (Tommie Herrell also owns a number of properties through a trust with his wife.)

CONFLICTS OF INTEREST / LEGISLATIVE OVERLAP

AUCTIONEER REGULATION

Summary

In 2015-2016, Herrell pushed the Attorney General to expedite a ruling on whether auctioneers could legally earn premiums from real estate sales if they weren't licensed brokers. Herrell believed these premiums violated real estate laws; she also appears to have believed these premiums hurt real estate brokers (like herself and her colleagues) and may have benefitted from their prohibition.

Herrell successfully pushed Attorney General to block auctioneers from

Around 2015, Herrell was told by staff on the New Mexico Real Estate Commission "that as long as a licensed broker was present at [a real estate auction] to execute a purchase agreement... the auctioneer did not need to be licensed as a real estate broker."²⁶⁵

Seeking clarity, Herrell sought a Formal Opinion from Attorney General Hector Balderas, first writing in September 2015, then again in October (after apparently losing track of the first letter). In her letter, Herrell noted that she had "discussed the concerns with the Real Estate Industry" with Balderas previously. She also asked that the OAG "place this opinion request as high priority," in part because she would "obviously need to prepare legislation as quickly as possible" if the Attorney General found that "legislative steps need to be taken to address/correct statute interpretation." Herrell's letter is available via IPRA from the Attorney General's office, but is also pasted in full below. (Note, neither OAG nor REC had a copy of the REC letter Herrell quoted and attached.)

[Herrell Official Letterhead]
October 27, 2015
Attorney General Hector Balderas
Re: Request for an Opinion

Dear Attorney General Balderas,

²⁶⁵ [Meeting Minutes, New Mexico Real Estate Commission, 7/18/2016](#)



I hope this finds you well. I know we have discussed the concerns of the Real Estate Industry as it relates to interpretation of some of the current statutes and New Mexico Real Estate Commission Rules.

Per this letter, I am seeking a Formal Opinion from the Office of the Attorney General for interpretation of Statute 61.29.2 and the relationship of this statute with NMRC 16.61.32.8.

For your convenience, I have attached a letter written to the Real Estate Commission that will give you a better sense of where the concerns are derived. Below is an excerpt from the attached letter.

As described in the NM Real Estate License Law and Real Estate Commission Rules, a person engaged in the “(c) leases, rents or auctions or offers to lease, rent or auction real estate” must either be a licensed Associate Broker or Qualifying Broker. (Unless, of course, it is sold by the owner and is less than 100 parcels).

There appears to be a great deal of debate in how this statute is interpreted. Some agree that if an Auctioneer is hired by a licensed agency, they are conducting business under the prevue [sic] of law. Others would argue that, without possessing a valid real estate license from the State of New Mexico, an Auctioneer is strictly prohibited from auctioning property for any agency.

This conversation than [sic] leads to the next question. If an agency is utilizing the services of an Auctioneer, than [sic] how can the advertising be done without complying with NMRC 16.61.32.8. Clearly, we are seeing a number of violations within the Otero and Lincoln County area.

Attorney General Balderas, I would greatly appreciate any effort you and your office could find to place this opinion request as high priority. The original request was sent to your office in mid-September and for whatever reason, we are unable to locate the original request in your office, and for that matter, in mine. I apologize for these oversights, however, should your findings reveal that legislative steps need to be taken to address/correct statute interpretation, I would obviously need to prepare legislation as quickly as possible.

Thank you very much and I look forward to hearing from your office.

Sincerely,
Representative Yvette Herrell

On May 24, 2016, Assistant Attorney General Richard B. Word published a response letter agreeing that auctioneers needed to be licensed, stating that “a person who auctions or offers for auction the real estate of another person for compensation is acting as associate or qualifying broker under the Act and must possess a broker’s license issued by the Commission, regardless of whether the auctioneer is hired by the seller or by a licensed broker.” The letter also said that rules requiring real estate advertising to “be a true and factual representation of the property and real estate services being advertised” – including disclosure of brokerage trade names and contact information – applied to auctioneers as well.²⁶⁶

After the OAG letter was published, the Real Estate Commission directed that the letter “be disseminated to brokers and auctioneers” and that unlicensed auctioneers should be informed of the

²⁶⁶ [Advisory Letter from Asst. Attorney General to Rep. Herrell, Office of the Attorney General, 5/24/2016](#)

new restriction. At a July 2016 meeting, “Commissioners thanked Rep. Herrell for the clarity that she had brought to the issue by requesting an Attorney General’s opinion.”²⁶⁷

Herrell pushed for change due to complaints from real estate brokers in her area

Herrell’s efforts suggest that she believed unlicensed auctioneers should be prohibited from conducting real estate sales. Her efforts also were informed by conflict and complaints from brokers in her area.

In her letter to the Attorney General, Herrell said that, with respect to advertising rules, “Clearly, we are seeing a number of violations within the Otero and Lincoln County area.” At a July 2016 meeting of the Real Estate Commission, Herrell said “auctioneers in her community and others collect a ‘buyer’s premium’ for conducting an auction, which amounts to a commission. She said brokers in her community ask her why they should go to the effort and expense of becoming licensed real estate brokers if unlicensed people can auction real estate and collect a premium for doing it.”²⁶⁸

Herrell may have personally benefitted from the policy change

Real estate licensing records show that Herrell had begun the pre-licensing process by June 2014, receiving her official license in August 2014. (Not to mention, her father has been a licensed broker since 1967.) Herrell’s effort to limit competition for real estate brokers potentially could have benefitted herself or her family financially. For example, First Choice Real Estate of Alamogordo (one of her family’s associated real estate companies) handled listing and brokerage for at least one property auction in 2019.²⁶⁹

²⁶⁷ [Meeting Minutes, New Mexico Real Estate Commission, 7/18/2016](#)

²⁶⁸ [Meeting Minutes, New Mexico Real Estate Commission, 7/18/2016](#)

²⁶⁹ [Real Estate Listing for 20 Jack Rabbit Road, Xome.com, 6/09/2020](#)

SEPTIC COMPANIES

OVERVIEW

Summary

Since at least 2017, Herrell's parents have invested in business ventures associated with local Alamogordo-area septic contractor Johnny Horton, including Jontel Septic LLC and 7 Diamond LLC.

Herrell's role

In January 2017, Horton formed [Jontel Septic LLC](#) (a new entity for longtime brand name). The Tommie C. & C. Josette Herrell Trust is a current member of the LLC (probably since December 2017). In November 2017, Tommie and his trust co-signed a UCC financing statement with Horton and Jontel Septic.

In September 2019, the Herrell family apparently resurrected an old corporate entity, 7 Diamond LLC (first organized in 1994). Johnny Horton was added in June 2020 as a member and registered agent (with his home address as 7 Diamond's principal place of business). On her 2020 financial disclosure, Herrell listed 7 Diamond LLC for the first time. Her interest was valued between \$100,001 and \$250,000.²⁷⁰

OPERATIONS

Jontel Septic LLC offers septic and crane services

Jontel Septic LLC offers septic services including installation, replacement, and maintenance. The company also operates cranes that can be contracted for other tasks like HVAC and construction.²⁷¹

As of March 1, 2018, Jontel Septic had acquired Valley View Waste Disposal LLC, a small sewer utility company.²⁷²

7 Diamond is gearing up to dump domestic septage on the outskirts of Alamogordo, Las Cruces

In September 2019, the NM Environment Department published that Herrell and 7 Diamond LLC had applied for a permit "to discharge up to 7,800 gallons per day of domestic septage to disposal cells and land application area."²⁷³

²⁷⁰ [Financial Disclosure Report 2020, Yvette Herrell, Filed 5/15/2020](#)

²⁷¹ <https://www.jontelsepticllc.com/>

²⁷² <http://www.nmprc.state.nm.us/consumer-relations/company-directory/sewer/valley-view-association/annual-reports/Valley%20View%20Waste%202017.pdf>

²⁷³ <https://www.env.nm.gov/wp-content/uploads/sites/11/2019/09/%5E201909-PN1-ENGLISH.pdf>

Discharge Permit 1899	Facility 7Diamond, LLC		Applicant Tommie Herrell, Owner 7Diamond, LLC PO Box 4338 La Luz, NM 88337	NMED Permit Contact Jason Herman Hydrologist – Supervisor Domestic Team Leader Jason.Herman@state.nm.us Telephone: (505) 827-2713
	Closest City Alamogordo	County Otero		
Notice: DP-1899, 7Diamond, LLC: Tommie Herrell proposes to discharge up to 7,800 gallons per day of domestic septage to disposal cells and land application area. Potential contaminants from this type of discharge include nitrogen compounds. The facility is located 0.3 miles west of Lavelle Rd. and 0.5 miles north of Zuni Dr. in Alamogordo, in Section 35, T16S, R09E, Otero County. Groundwater most likely to be affected is at a depth of approximately 30 feet and had a pre-discharge total dissolved solids concentration of 6,312 milligrams per liter.				

In March 2020, 7 Diamond LLC [sic] filed a UCC financing statement with Pioneer Bank to cover \$258,000 in equipment, including roll off containers, polymer dosing units, 16,000-gallon tanks, portable office units, portable systems, flow meters, trash pumps, camera systems, miscellaneous hoses and equipment, and office equipment.

7 Diamonds LLC

2861 Airport Rd. Alamogordo, NM 88310

1690 Pioneer Ave. Las Cruces, NM 88011

3- Roll off containers \$40,000 Each = \$120,000
2- Polymer Dosing Units \$14,000 Each = \$28,000
2 -16,000 gal. Steel Tanks (Alamogordo) \$4,000 Each = \$8,000
2- 16,000 gal. Fiber Glass Tanks (Las Cruces) = \$8,000
1-30,000 gal. Fiber Glass Tank (Las Cruces) = \$5,000
2- Portable Office Units \$10,000.00 Each = \$20,000
1- Portable System (Las Cruces) = \$40,000
2- Flow Meters= \$4,000
2- Trash Pumps – 1 Alamogordo, 1 Las Cruces = \$8,000
2- Camera Systems \$1,000 Each= \$2,000
Mis. Hoses and Equipment = \$10,000
Office Equipment = \$5,000
Total Equipment Value = \$258,000

CONFLICTS OF INTEREST / LEGISLATIVE OVERLAP

Herrell has been pursuing new wastewater infrastructure in the region for years

Herrell’s capital outlay requests included multiple requests for new wastewater and septic infrastructure over the years, sometimes for millions of dollars at a time. Sponsored projects included:

- \$3,250,000 to upgrade a wastewater treatment plant in Alamogordo (2012)
- \$3,250,000 (split across two projects) to upgrade a wastewater treatment plant in Alamogordo (2013)



- \$805,000 to improve water and wastewater systems in Cloudcroft (2015)
- \$514,300 to improve a wastewater treatment plant and update technology in Tularosa (2015)
- \$240,000 to improve a community center (including installation of a septic system) in the Timberon water and sanitation district (2015)
- \$805,000 to improve water and wastewater systems in Cloudcroft (2016)
- \$514,300 to improve a wastewater treatment plant in Tularosa (2016)
- \$100,000 to improve a wastewater system in Tularosa (2017)
- \$750,000 to build a solid waste processing facility and a building for wastewater treatment in Cloudcroft (2018)
- \$382,250 to improve a wastewater system in Tularosa (2018)

(Note, most of these projects predate the Herrell family's confirmed entry into septic contracting.)

SENIOR COMMUNITIES (CENTENNIAL VILLAGE)

OVERVIEW

Summary

In 2016, Tommie Herrell – with business partners M. Bruce Coble and Barbara Coble – formed Centennial Village LLC, the entity for their endeavor to launch a small retirement community adjacent to the existing Alamogordo Senior Center. (Plans for the community predated the land purchase; Tommie Herrell was in communication with local officials about his plans at least as early as 2015.²⁷⁴)

On her 2020 financial disclosure, Herrell listed valued her interest in Centennial Village between \$500,001 and \$1,000,000.²⁷⁵

REGULATORY ISSUES

Centennial Village was rebuked by the City Commission for illegally building a walkway

As of 2017, Centennial Village’s land did not immediately border the property of the Alamogordo Senior Center; in-between, there was a strip of land owned by Alamogordo Public Schools. Tommie Herrell was interested from the start in building a walking path across the strip, which allow Village residents to access the center. In November 2017, he recounted that, in early 2016, he had talked to city officials about the project “and said I’m not going to buy the property unless the city can pretty well assure me that I can put a cart or walking path over to the Senior Center because this was going to be a 55 and older community. They said ‘Oh, no problem.’” However, city officials claimed the city had in fact declined to support a pathway multiple times between 2016 and mid-2017, finally advising him to seek an easement from the school district if he wanted to move forward.²⁷⁶ Herrell asked if he could purchase the lot from the city for \$37,600, but his offer was declined unanimously by the City Commission after the assessor valued the lot at \$134,179.²⁷⁷

“At some point in mid-July, Mr. Herrell began to build the path without ... permission,” leading the city to intervene. In November 2017, the City Commission voted 7-0 to instruct Herrell to cease construction and demolish the material already laid.²⁷⁸

Centennial Village has dealt with “code violations and delays”

The minutes for the January 2018 meeting of the Construction Industries Commission include a Mechanical Bureau update from November and December 2017, where Tommie Herrell was described as having met with officials to review the Centennial Village project. Herrell attended the meeting “to gain knowledge about cited code violations and delays associated with his project.” It was stated that “the project continues to make progress as Mr. Herrell makes corrections to the cited code violations.”²⁷⁹

CONFLICTS OF INTEREST / LEGISLATIVE OVERLAP

²⁷⁴ [“City denies Centennial Village walking path to Senior Center,” Tara Melton, Alamogordo Daily News, 11/09/2017](#)

²⁷⁵ [Financial Disclosure Report 2020, Yvette Herrell, Filed 5/15/2020](#)

²⁷⁶ [“City denies Centennial Village walking path to Senior Center,” Tara Melton, Alamogordo Daily News, 11/09/2017](#)

²⁷⁷ [“City denies Centennial Village walking path to Senior Center,” Tara Melton, Alamogordo Daily News, 11/09/2017](#)

²⁷⁸ [“City denies Centennial Village walking path to Senior Center,” Tara Melton, Alamogordo Daily News, 11/09/2017](#)

²⁷⁹ [Meeting Minutes, Construction Industries Commission of the State of New Mexico, 1/17/2018](#)

HIGH ROLLS SENIOR CENTER

Summary

In 2014 and 2015, Herrell secured nearly \$1 million to construct a new building for the High Rolls Senior Center. Immediately before and then concurrent with those requests, Herrell's father purchased roughly 4 acres of land roughly five minutes from the site. As construction got underway, her father purchased another 4 acres alongside his previous purchase. We have not determined what Tommie Herrell's plans are for the land, but he has previously stated that proximity to a senior center was important for his Alamogordo senior community, Centennial Village.

Herrell successfully secured significant funding for senior center in High Rolls

Herrell's 2014 outlay requests included a \$972,000 allocation "to plan, design, construct, furnish and equip a senior center in High Rolls," roughly in the same spot as the existing High Rolls center. The funding wasn't approved.

For 2015, Herrell again requested \$972,000 "to plan, design, purchase and construct a metal building, including related site improvements, parking lot, equipment and furniture, for the High Rolls senior center." The center was granted \$80,000 during the 2015 session²⁸⁰ and \$960,000 during the 2015 Special Session.²⁸¹ During the 2019 session, the center's construction funding was extended through FY2021.²⁸²

The senior center has since been completed.²⁸³

Herrell's father started buying land near the senior center around the time Herrell first started pushing to fund construction of the senior center

Otero County property records show that the Tommie & Josette Herrell Trust owns three parcels around the address 22 Red Rock Road in High Rolls.

- Nest Egg Investments (a Herrell entity) purchased Parcel 01O4062091167160 from Vern and Barbara Carner in a deed recorded 4/02/2013. The parcel is 0.77 acres.
- Nest Egg Investments purchased Parcel 01O4062091234110 from Vern and Barbara Carner in a deed recorded 4/29/2014. The parcel is 3.67 acres.
- Herrell Trust purchased Parcel 01O4062091205150 from Micha Guebara in a deed recorded on 2/06/2019. The parcel is 4.93 acres.

These parcels are approximately 1.1 mile (or a 4-minute drive) from the new senior center.

Herrell stressed that the success of his Centennial Village development was dependent on proximity to a senior center

In 2017, Tommie Herrell recalled his discussions with Alamogordo over the Centennial Village walking path, saying, "I said I'm not going to buy the property unless the city can pretty well assure me that I can

²⁸⁰ https://www.nmlegis.gov/Publications/Capital_Outlay/2015%20Capital%20Projects%20by%20County%20SB159.pdf

²⁸¹ https://www.nmlegis.gov/Publications/Capital_Outlay/2015%20Capital%20Outlay%20by%20County%20Special%200615.pdf

²⁸² https://www.nmlegis.gov/Publications/Capital_Outlay/HB%20568%20Funded%20Projects%20by%20County%20w%20Governors%20Actions%202019.pdf

²⁸³ "Senior Center Final," Raging Blade Aerials LLC, YouTube.com, Uploaded 5/20/2020

put a cart or walking path over to the Senior Center because this was going to be a 55 and older community.” He also said, by denying the path, “They’re just putting a hardship on the seniors that live over there. It would be so nice to have that access to the senior center.”²⁸⁴

(Note, a five minute drive is significantly longer than the short walk to Alamogordo Senior Center.)

²⁸⁴ [“City denies Centennial Village walking path to Senior Center,” Tara Melton, Alamogordo Daily News, 11/09/2017](#)

FIRST AMERICAN BANK

OVERVIEW

Summary

[First American Bank](#) (FAB) is an independent bank held by First Artesia Bancshares, Inc. It was established in 1903 as The First National Bank; it adopted its current name in January 2009, when it became FDIC insured. FAB has 17 locations, all of which are in New Mexico.²⁸⁵

Herrell's role

Yvette Herrell's father, Tommie C. Herrell, "helped bring a new bank, First American bank, to town in 2004."²⁸⁶ As of October 2014, Tommie said he "serve[s] currently on a bank board and have for 10-1/2 years."²⁸⁷ As of 2015²⁸⁸ and 2016²⁸⁹, Tommie was listed on FAB's Community Advisory Board for Alamogordo (rather than on the board of directors, as he had been previously). He was no longer listed on any board as 2017.²⁹⁰

(Note, Herrell's PFDs show she personally banks at FAB.)

CONFLICTS OF INTEREST / LEGISLATIVE OVERLAP

Herrell sponsored an anti-payday lending law initially supported by the ICBA (for its bank exemption)

The Independent Community Banking Association of New Mexico is a trade group for banks like FAB. (In fact, FAB EVP/CFO Brett Mills served as ICBA's chairman for 2019-2010.²⁹¹)

In 2017, Herrell sponsored HB 347, a bill that cracked down on payday lenders by requiring longer installment payment schedules of at least 120 days, capping interest rates at 175%, and requiring storefront lenders to report loan terms and borrower performance to a nationally recognized agency.

In February 2017 – when the bill was introduced – ICBA/NM said that it "supports this measure," so long as it included an amendment exempting single payment loans made by banks.²⁹² In March 2017 – when the bill had been passed through its first House committee – ICBA/NM said that it was "Neutral on this measure (so long as the amendment exempting banks from the provisions of this bill remain attached)."²⁹³ (The bill was signed into law with the exemption intact.)

²⁸⁵ [First American Bank, FDIC](#)

²⁸⁶ "Herrell's family descends on Alamogordo," Randy Burroughs, Alamogordo Daily News, 9/04/2011

²⁸⁷ "Herrell running for re-election as a write-in candidate," Janessa Maxilom, Alamogordo Daily News, 10/30/2014

²⁸⁸ [Financial Statement of Condition 2015, First American Bank](#)

²⁸⁹ [Financial Statement of Condition 2016, First American Bank](#)

²⁹⁰ [Financial Statement of Condition 2017, First American Bank](#)

²⁹¹ <https://www.icbanm.org/leadership>

²⁹² [ICBA/NM Executive Update, ICBA, 2/13/2017](#)

²⁹³ [ICBA/NM Executive Update, ICBA, 3/06/2017](#)

ISSUES

ABORTION

20 WEEK BAN

Defended 20 week ban bill after it was mischaracterized by opponent

In September 2019, Herrell defended a bill in which she called for a ban on abortion after 20 weeks after Republican opponent Chris Mathys called the bill “pro-abortion.” Herrell called the criticism a smear and shared a statement by three New Mexico anti-abortion organizations calling his criticism “misinformed and out of step with the pro-life movement.” Herrell also released a campaign statement, which read:²⁹⁴

These false attacks on the entire pro-life movement in our state are politics at its worst. I believe that life starts at conception, and I am grateful that so many pro-life, legislative, and party leaders have pointed out how misleading this attack is. While we would like to see all abortion eliminated, this bill was major step forward that gained 23 co-sponsors, united the pro-life movement and brought people from across the aisle together to end the barbaric practice of late-term abortion.

Claimed New Mexico allowed abortion “up to the day of birth”

In April 2020, a DCCC tracking report showed that Herrell claimed New Mexico allowed abortion “up to the day of birth” during an appearance on the Rural Route podcast.²⁹⁵

Said she would oppose late-term abortion in Q&A

In May 2020, Herrell said she was pro-life and discussed late-term abortion in a Q&A with the Albuquerque Journal. Her full quote read, “I am 100% pro-life. I favor these limits and carried legislation in the NM House to ban abortion after 20 weeks. I do not think taxpayer dollars should be used to fund any abortions.”²⁹⁶

VOTES

Voted For Expanding Ban on Late-Term Abortions, with Late-Term Defined as 20th Week Of Pregnancy, and Repealing Previous Exceptions Allowing for Abortion

On 03/06/2015, Herrell voted for HB. 390. House Bill 390 expands prohibition to include a ban on late-term abortions, with a late-term abortion defined as an abortion performed on a viable fetus after twenty or more weeks of gestation. Viability is defined as the 20th week of pregnancy and the physician must determine under accepted obstetrical and neonatal standards if the fetus is “viable” before performing the procedure. House Bill 390 also proscribes civil penalties for a physician who performs a late-term abortion of not less than \$5,000 fine and not less than one year revocation or suspension of the physician medical license. It also repeals the Criminal Abortion Statute by removing previous exceptions (“justified medical termination”) allowing for abortion when death to the woman, grave impairment would result to the physical or mental health of woman, where child would “probably have a grave” physical or mental defect, or where pregnancy resulted because of rape. House Bill 390 also adds pharmacists to those who may object on moral, religious or personal conviction to participate in medical procedures or dispensing of medication to will result in abortion. One amendment attached to the bill, HF1#1, removes references to pharmacists, and the other, HRPAC Amendment, adds

²⁹⁴ “State GOP slaps candidate for ‘false statements,’” Algernon D’Amassa, Las Cruces Sun-News, 9/28/2019

²⁹⁵ “Radio Interview: Rural Route Radio with Yvette Herrell,” DCCC, 4/30/2020

²⁹⁶ “Q&A: Congressional District 2 Yvette Herrell,” Anthony Jackson, Albuquerque Journal. 5/5/2020

“reasonable medical judgement” and “viable” to the definitions and adds an emergency clause to make the bill immediately effective.²⁹⁷

[HB 390](#), Voted for final passage ([RCS# 4993](#))

Cibola County Beacon: House Bill 390, sponsored by Rep. Yvette Herrell, R-Alamogordo, would restrict late-term abortions by banning termination of a pregnancy after 20 weeks of gestation. The proposal includes exemptions for women whose lives would be at risk from carrying a pregnancy to term and those who attest they were impregnated as a result of rape or incest. The bill does not seek to punish women who seek a late-term abortion, but doctors who perform late-term abortions could face fines and action against their medical licenses.²⁹⁸

Las Cruces Sun-News (editorial): House Bill 390, introduced by Rep. Yvette Harrell, R-Alamogordo, would prohibit late-term abortions conducted at the 20th week of pregnancy or later. New Mexico law currently bans the practice of partial-birth abortion, but unlike the vast majority of states, has no law restricting late-term abortions after 20 weeks. That has made the state a magnet for women seeking the procedure, supporters of the bill contend.

The bill has exceptions to protect the life and health of the mother, or when the pregnancy resulted from rape or incest.

While we support the primary goals of the bill, we do not agree with provisions that would allow pharmacists, or those working for them, to refuse to dispense medication based on religious grounds or personal conviction. It is the job of a pharmacist to ensure patients get the medications they are prescribed by a physician, not to pass personal judgment on those medications.²⁹⁹

Santa Fe New Mexican: In fact, Senate Public Affairs became the killing field for the Republicans' most prized bills. The same committee stopped two bills to hold back hundreds or even thousands of third-graders who score in the bottom tier on standardized reading tests. Martinez has made this proposal a centerpiece of her legislative agenda for four years. And the Senate Public Affairs Committee blocked two anti-abortion bills that Republicans got through the House easily. One would have restricted late-term abortions. The other would have required a minor to notify her parents before undergoing an abortion.³⁰⁰

MINOR'S ACCESS TO ABORTION

VOTES

Voted For Creating Parental Notification Requirement when Non-Emancipated Minor Elects to Have Abortion Performed

On 03/06/2015, Herrell voted for HB 391. House Bill 391 proposes to amend Section 30-5-1 to 30-5-7 NMSA 1978, which governs abortions. Specifically, it creates a parental notification requirement for the

²⁹⁷ [Fiscal Impact Report, HB 390, 2015](#)

²⁹⁸ “Legislative roundup, Feb. 28, 2015,” *Cibola County Beacon*, 3/1/2015

²⁹⁹ “Editorial: State should end late-term abortions,” *Las Cruces Sun-News*, 3/1/2015

³⁰⁰ “Victories scarce as 60-day legislative session's end nears,” *Milan Simonich, Santa Fe New Mexican*, 3/20/2015

physician when a non-emancipated minor elects to have an abortion performed. A physician may only perform an abortion on a minor when notification has been issued. It defines pregnancy as the implantation of the developing embryo in the uterus, requires parental notification to a parent or guardian of a minor no less than 48 hours before the procedure is performed but does not require parental consent, waives parental notification if two unsuccessful attempts are made or if the physician certifies that an abortion is necessary to prevent the female patient's death, and requires medical staffers to receive no less than 8 hours of annual training concerning questioning and consultation procedures regarding pregnancies due to sexual abuse, rape or incest. The bill also creates a judicial exception to the notice requirement, requiring a hearing within 48 hours of a request, which will be confidential to ensure anonymity of the minor, allows the petition to be granted if the court finds the minor is sufficiently mature and well enough informed to decide intelligently with to elect the abortion or whether parental/guardian notification is not in the best interests of the minor where the pregnancy resulted from sexual abuse rape or incest. The court may appoint guardian ad litem to represent the child. The bill had two amendments: the HJC amendment provides an exemption to notification to "preserve the life or physical health of the pregnant female" and expands notification of a pregnancy resulting from sexual abuse, rape or incest beyond "parent, guardian or custodian. HF1#1 removes references to "parent, guardian or custodian" not removed by the HJC amendment and removes pharmacists from those that are not required to participate.³⁰¹

[HB 391](#), Voted for final passage ([RCS# 4994](#))

Santa Fe New Mexican: Republicans failed Tuesday in their attempt to get abortion bills out of Senate committees where supporters fear they will die. The bills, passed by the House last week, would ban late-term abortions in New Mexico and require parental notification when minors seek abortions. The bills in question are House Bill 390 -- which would prohibit doctors from performing abortions after 20 weeks, except in certain cases -- and HB 391, which would require a doctor to notify a parent or guardian before performing an abortion on a minor. Both bills cleared the House late Friday night following lengthy and sometimes emotional debate. On Tuesday, Sharer made a motion to pull the parental notification bill out of the Senate Public Affairs Committee and move it to the "committee of the whole," which is legislative-speak for the full Senate. During the debate, Sen. John Ryan, R-Albuquerque, said he carried a similar bill in the past, and he has come to believe that Public Affairs is predisposed to killing abortion bills.³⁰²

Santa Fe New Mexican: In fact, Senate Public Affairs became the killing field for the Republicans' most prized bills. The same committee stopped two bills to hold back hundreds or even thousands of third-graders who score in the bottom tier on standardized reading tests. Martinez has made this proposal a centerpiece of her legislative agenda for four years. And the Senate Public Affairs Committee blocked two anti-abortion bills that Republicans got through the House easily. One would have restricted late-term abortions. The other would have required a minor to notify her parents before undergoing an abortion. Opponents of the notification bill said girls in violent and abusive homes can be impregnated by a family member. Having to notify parents of an abortion, they argued, would only subject these girls to greater risks of physical danger. Republicans didn't introduce the anti-abortion bills until after the state's three Catholic

³⁰¹ [Fiscal Impact, HB 391, 2015](#)

³⁰² "Effort to blast bills on abortion limits out of Senate panel fail," Steve Terrell, Santa Fe New Mexican, 3/11/2015

bishops said they were duty-bound to offer the measures because they finally were the majority party in the House.³⁰³

OTHER ABORTION CONTENT

Ran for the U.S. House on pro-life values

In October 2018, Herrell’s campaign issued a statement discussing her support for anti-abortion policies. The statement noted that Herrell supported “some of the most stringent pro-life legislation in the New Mexico House of Representatives,” and planned to push for defunding Planned Parenthood if elected.

Herrell has made pro-life legislation a cornerstone of her career. Guided by her faith and belief that all children should have the opportunity to pursue their own American Dream, (Herrell) spearheaded some of the most stringent pro-life legislation in the New Mexico House of Representatives. She'll take that same mentality and values to Washington, D.C. where she'll push to defund Planned Parenthood and strengthen protections for the defenseless.³⁰⁴

Described herself as “pro-life”

In May 2019, Herrell described herself as “pro-life” in an interview with the Carlsbad Current-Argus.³⁰⁵

PLANNED PARENTHOOD DEFUNDING

Said that she would push for defunding Planned Parenthood once elected

In October 2018, Herrell’s campaign issued a statement discussing her support for anti-abortion policies. The statement noted that Herrell supported “some of the most stringent pro-life legislation in the New Mexico House of Representatives,” and planned to push for defunding Planned Parenthood if elected.

Herrell has made pro-life legislation a cornerstone of her career. Guided by her faith and belief that all children should have the opportunity to pursue their own American Dream, (Herrell) spearheaded some of the most stringent pro-life legislation in the New Mexico House of Representatives. She'll take that same mentality and values to Washington, D.C. where she'll push to defund Planned Parenthood and strengthen protections for the defenseless.³⁰⁶

AGRICULTURE

MISCELLANEOUS

VOTES

Voted For Pecan Buyers Licensure Act to Create an In-Shell Pecan Buyers’ License and Enact Criminal Penalties for Violations of the Act and for Larceny of Pecans

On 02/14/2018, Herrell voted for SB 217. Senate Bill 217 enacts the Pecan Buyers Licensure Act creating an in-shell pecan buyer’s license; provides powers and duties to the New Mexico Department of

³⁰³ “Victories scarce as 60-day legislative session's end nears,” Milan Simonich, Santa Fe New Mexican, 3/20/2015

³⁰⁴ “U. S. Representatives; Herrell, Torres Small,” Diego Lopez, Cibola Citizen, 10/24/2018

³⁰⁵ “Can GOP take back 2nd Congressional District in 2020?,” Mike Smith and Adrian Hedden, Carlsbad Current-Argus, 5/24/2019

³⁰⁶ “U. S. Representatives; Herrell, Torres Small,” Diego Lopez, Cibola Citizen, 10/24/2018

Agriculture (NMDA), peace officers and in-shell pecan buyers; enacts criminal penalties for violations of the Act and for larceny of pecans. The bill takes effect on July 1, 2018.³⁰⁷

[SB 217](#), Voted for final passage ([RCS# 265](#))

Silver City Daily Press & Independent: Larceny of pecans is a problem in southern New Mexico, where the nut is grown. According to a fiscal impact report, the state Agriculture Department says “in-shell pecan theft in pecan growing counties has increased significantly. Although covered under existing theft statutes, the inability of agencies to identify ownership and origin of in-shell pecans has impeded enforcement actions.” So the Legislature approved Senate Bill 217, sponsored by Sen. Cliff Pirtle, R-Roswell. It would set up a license for in-shell pecan buyers. Growers asked for the bill.³⁰⁸

AIR TRAVEL

RURAL FLIGHTS

VOTES

Voted For Allowing Municipalities And Counties To Use Lodger’s Tax Revenues To Provide Airlines With Minimum Revenue Guarantees To Attract Air Service To Underserved Communities

On 02/15/2016, Herrell voted for HB. 192. House Bill 192 allows municipalities and counties to use lodger’s tax revenues to provide airlines with minimum revenue guarantees that would entice them to offer air service to currently underserved communities. This bill would also allow a municipality or county to issue revenue bonds secured by future lodger’s tax proceeds. This bill does not include an effective date.³⁰⁹

[HB 192](#), Voted for final passage ([RCS# 244](#))

Roswell Daily Record: American Eagle will begin flying 50-seat Bombardier CRJ-200 aircraft like these between Roswell and Phoenix on March 3. The state Senate passed a bill Thursday that would allow cities and counties to use lodgers tax proceeds to entice airlines to establish commercial air service. House Bill 192, sponsored in the House by state Reps. Candy Spence Ezzell and Bob Wooley, both R-Roswell, passed the House on Monday by a 66-0 vote. The bill also received unanimous votes in all of its House committee hearings. The legislation would give municipalities and counties the option to use up to 50 percent of their lodger's tax revenues to offer airlines financial guarantees to establish air service. The bill would also allow a municipality or county to issue revenue bonds secured by future lodger's tax proceeds.³¹⁰

SPACE TRAVEL

VOTES

³⁰⁷ [Fiscal Impact, SB 271, 2018](#)

³⁰⁸ “Who won, who lost in 2018 legislative session,” Andrew Oxford and Steve Terrell, The Santa Fe New Mexican, 2/16/2018

³⁰⁹ [Fiscal Impact, HB 192, 2016](#)

³¹⁰ “Airline subsidy bill flies through state Legislature,” Roswell Daily Record, 2/18/2016

Voted For Limiting Lawsuits Against Firms that Supplied Parts for Spacecraft used in Virgin Galactic’s Operation in Southern New Mexico

On 2/7/2013, Herrell voted for HB 308, an Act that would add or modify numerous definitions to the statute, including “crew,” “launch,” “launch vehicle,” “participant,” “participant injury,” “payload,” “reenter/reentry,” “reentry vehicle,” and “space flight activities.” Where definitions were modified, the bill replaced references to definitions under the applicable United States Code or other federal provisions with specific definitions. One of the key modifications to the definitions is the expansion of liability protections to include not just space flight companies but also manufacturers and suppliers of components, services, or vehicle used by qualifying space flight companies. The bill also changes the liability exceptions to subsection A from the possibilities of gross negligence or willful/wanton disregard for safety to willful, wanton, or reckless disregard for safety. The bill also required a space flight entity to file with the New Mexico Spaceport Authority (NMSA) a certificate of insurance coverage in the amount of at least \$1 million that covers liability by the space flight entity for all space flight activities. No space flight entity without such coverage will receive any protections afforded by the Space Flight Informed Consent Act. Finally, the bill extended the sunset provision that would repeal the Space Flight Informed Consent Act.³¹¹

[HB 308](#), Voted for final passage ([RCS# 3722](#))

Las Cruces Sun-News: The bill would limit lawsuits against firms that supplied parts for spacecraft used in Virgin Galactic’s operation at the \$209 million spaceport in Southern New Mexico. The bill would require Virgin Galactic and other space travel companies to carry \$1 million insurance to qualify for the liability limitation and also extend the contract between the spaceport and Virgin to 2021. The contract at the time, expired in 2018.³¹²

ANIMALS

CONSERVATION

VOTES

Voted For Creating Horse Shelter Rescue Fund and Allowing Portions of Tax Refunds to Go Towards Shelter Fund

On 03/14/2013, Herrell voted for SB 274. Senate Bill 274 would create the Horse Shelter Rescue fund to be administered by the New Mexico Livestock Board. The monies in the fund are appropriated to the board to carry out the intent of aiding horse rescues and homeless horses in New Mexico. The board is to establish rules regarding distributions from the fund to horse rescue and retirement facilities registered by the board. In addition, a new section of the Income Tax Act allows for a portion of an tax refund be designated for the Horse Shelter Rescue Fund.¹⁴

[SB 274](#), Voted for final passage ([RCS# 4222](#))

Las Cruces Sun-News: Horse shelters: The House approved SB 274 with no changes, and it now goes to the governor for consideration. The bill would establish a Horse Shelter Rescue Fund.

³¹¹ [Fiscal Impact, HB 308, 2013](#)

³¹² “Only three bills signed as Legislature heads into final days,” Steve Terrell, Las Cruces Sun-News, 3/9/2013

The New Mexico Livestock Board would oversee distribution of money from the fund to help the state's horse shelters rescue and rehabilitate neglected, abandoned and abused horses. Under the proposal, taxpayers would be able to check off a donation box on tax forms to send a portion of a tax refund to the horse rescue fund.¹⁵

MISCELLANEOUS

VOTES

Voted For Recognizing Matanzas, Winter Pig-Roasting Cultural Events

On 02/10/2012, Herrell voted for HM 58. House Memorial 58 recognizes the cultural importance of matanzas, community events that include the roasting of pigs during winter months.³¹³

[HM 58](#), Voted for final passage ([RCS# 3528](#))

Santa Fe New Mexican: Matanza bonanza: We all know that legislators love pork, but on Friday the House went on record in favor of traditional pig-roasting parties known in New Mexico as matanzas. In December, the Valencia County Hispano Chamber of Commerce had to cancel its annual matanza after the U.S. Department of Agriculture notified the chamber that the event was in violation of the federal Meat & Poultry Act. The USDA since gave the chamber the OK to proceed. The event is now scheduled for Feb. 25 at the Sheriff's Posse Fairgrounds in Belen. "When the USDA first shut down the VCHCC matanza, I thought to myself, 'this just isn't right,' " Rep. Alonzo Baldonado, R-Los Lunas, said in a news release. "I grew up with matanzas. It's arguably the longest running tradition brought from Europe to the Americas and this bill, in this year of our State Centennial, goes to honor that tradition."³¹⁴

WELFARE

VOTES

Voted For Offering Retired K-9 Dogs to Handler or Trainer Upon Retirement and Offering to Nonprofit if Trainer Turns Down Offer

On 03/10/2013, Herrell voted for SB 139. Senate Bill 139 amends Section 13-6-1 NMSA 1978 by adding a new subsection L stating if the Secretary of the Department of Public Safety (DPS) finds a K-9 dog owned by the Department presents no threat to public safety, the dog shall be released from public ownership and first offered to its trainer or handler free of charge. If the offer is declined, the K-9 dog will offered a Section 501(c) (3) organization also free of charge. If neither of these options is successful, the K-9 dog may be sold to qualified individuals capable of providing a good home. It cleans up language in Section 33-2-5 NMSA 1978 DISPOSTION OF UNNEEDED PROPERTY and adds similar provisions in a new subsection B for K-9 dogs belonging to the NMCD.³¹⁵

[SB 139](#), Voted for final passage ([RCS# 4109](#))

Las Cruces Sun-News: K-9 bills: Gov. Martinez on Wednesday signed two bills dealing with police dogs. Under SB 139, sponsored by Sen. Mark Moores, R-Albuquerque, K-9s -- police dogs or dogs

³¹³ [HM 58 As Introduced, 2012](#)

³¹⁴ "Legislative Roundup," Santa Fe New Mexican, 2/11/2012

³¹⁵ [Fiscal Impact, SB 139, 2013](#)

used by corrections officers -- would be offered for free to their trainers or handlers when the animals retire from service. Moores has said that if the trainers or handlers don't take the dogs, the animals would then be offered to nonprofit organizations, "if they are not a threat to public safety."³¹⁶

Voted For Authorizing Funding to Purchase Protective Vests and Other Equipment for Law Enforcement Dogs

On 03/10/2013, Herrell voted for SB 141. Senate Bill 141 expands the authorized uses of the Law Enforcement Protection Fund to include the purchase of protective vests and other law enforcement equipment for police dogs.³¹⁷

[SB 141](#), Voted for final passage ([RCS# 4110](#))

Las Cruces Sun-News: The governor also signed SB 141, sponsored by Sen. Howie Morales, D-Silver City. This would allow local law-enforcement agencies to use funds from the Law Enforcement Protection Fund to buy protective vests for K-9s. The bill didn't earmark any extra money for doing this.³¹⁸

Voted For Bringing Veterinarians Employed By Local Governments Under The Oversight Of The Board Of Veterinary Medicine And To Allow Board To Impose Fines On Individuals Practicing Without License

On 02/19/2015, Herrell voted for HB. 88. House Bill 88 will remove local governments from Section 61-14-14A, NMSA 1978, Exemptions to the Veterinary Practice Act, thereby bringing veterinarians employed by local governments under the oversight of the Board of Veterinary Medicine. HB 88 will allow the Board of Veterinary Medicine to impose a fine not to exceed \$5,000 plus hearing administrative costs per occurrence on individuals found to be practicing veterinary medicine without a license. Practicing veterinary medicine without a license is already a misdemeanor under the act.³¹⁹

[HB 88](#), Voted for final passage ([RCS# 4823](#))

Roswell Daily Record: House Bill 88, introduced by Ezzell, would provide the New Mexico Board of Veterinary Medicine with oversight of veterinarians employed by local governments. It passed the House Feb. 19 by a 65-0 vote.³²⁰

Voted For Requiring State Racing Commission To Follow Racehorse Guidelines And Adopt Drug Testing Model Of Association Of Racing Commissioners

On 02/26/2015, Herrell voted for HB 379. House Bill 379 requires the State Racing Commission (SRC) to follow guidelines established in the model rules published by the Association of Racing Commissioners International (ARCI) for handling pre-race, post-race, out-of-competition, and necropsy testing of samples taken from race horses. The bill also requires the money in the racehorse testing fund be used by SRC for pre-race, post-race, out-of-competition, and necropsy testing of samples taken from race horses and that the testing follow ARCI guidelines.³²¹

[HB 379](#), Voted for final passage ([RCS# 4886](#))

³¹⁶ "Legislative roundup: March 13, 2013," Las Cruces Sun-News, 2013

³¹⁷ [Fiscal Impact, SB 141, 2013](#)

³¹⁸ "Legislative roundup: March 13, 2013," Las Cruces Sun-News, 2013

³¹⁹ [Fiscal Impact, HB 88, 2015](#)

³²⁰ "House, Senate leaders spar over bill process," Roswell Daily Record, 3/3/2015

³²¹ [Fiscal Impact, HB 379, 2015](#)

Roswell Daily Record: House Bill 379, introduced by Ezzell, would require the drug testing of racehorses in conformance with internationally recognized model rules. It passed the House Thursday by a 61-0 vote.³²²

Las Cruces Sun-News: The veto by Gov. Susana Martinez of a bill to require stricter testing for horse racing in the state has only increased the anger and frustration of legislators during what has been a contentious session, Rep. Andy Nunez, R-Hatch, said Wednesday. "We've only gotten three or four bills up there, and what does she do? She vetoes one," Nunez said. "That bill passed unanimously in the House and Senate. She says it's not necessary. She has no idea all the problems we have with horse racing." House Bill 379 would have expanded current requirements that the state follow Association of Racing Commissioners International procedures for handling pre-race, post-race, out-of-competition, and necropsy testing of samples taken from racehorses. The bill passed 61-0 in the House and 39-0 in the Senate. In her veto message, Martinez said the bill was not needed because "Commission procedures already meet or exceed the standards set by the ARCI. In fact, last year the ARCI recognized the excellence achieved by the Commission awarding the executive director the President's Award for exemplary service."³²³

Voted For Allowing an Equine Rescue Group the First Chance to Purchase an Unclaimed Estray Horse Before it was Euthanized

On 3/11/2017, Herrell voted for HB 390, an Act that would amend the estray provisions of the Livestock Code to include equines and created a new provisions for equine estrays that would allow a registered equine rescue facility or retirement facility to be given the right of first refusal to purchase the strayed equine, and if the rescue facility is unable or unwilling, that board must auction it through a closed bid process. If the equine is not sold through that process, the board shall have it humanely euthanized.³²⁴ [HB 390](#), Voted for final passage [\(RCS# 407\)](#)

Ruidoso News: The bill would allow an equine rescue group first chance to purchase an unclaimed estray horse or it would be euthanized. The bill was later amended to allow public bid. Advocates said that bidding would include buyers headed to a slaughterhouse.³²⁵

BROADBAND

INFRASTRUCTURE DEVELOPMENT

VOTES

Voted For Amending the Local Economic Development Act Adding a Definition for Broadband Telecommunications Network Facilities

On 2/2/2017, Herrell voted for HB 60, an Act amending the definition section of the Local Economic Development Act to add a definition for "broadband telecommunications network facilities." The Local

³²² "House, Senate leaders spar over bill process," Roswell Daily Record, 3/3/2015

³²³ "Veto of horse racing bill rankles lawmakers," Walter Rubel, Las Cruces Sun-News, 3/18/2015

³²⁴ [Fiscal Impact, HB 390, 2017](#)

³²⁵ "Wild horse bills debated in legislature," Dianne L. Stallings, Ruidoso News, 3/15/2017

Economic Development Act allowed localities to establish public-private partnerships for purposes of economic development and this bill would allow broadband telecommunications network facilities to fall under the Local Economic Development Act. The bill has no fiscal implications.³²⁶

[HB 60](#), Voted for final passage ([RCS# 65](#))

Silver City Daily Press & Independent: The bill would create a dig-once policy, allowing cities, counties and the state to keep an open trench and place conduit needed for new broadband structure.³²⁷

Voted For Defining “Telecommunications Network” and Develop a State Broadband Network Plan in Conjunction with Public Institutions and Broadband Service Providers

On 2/20/2017, Herrell voted for HB 113, an Act that defined “telecommunications network” and directed the state chief information officer (CIO) to develop a statewide broadband network plan in conjunction with public institutions and broadband service providers. It allowed DoIT to provide a broadband network to education institutions, apply for reimbursement from the Federal Telecommunications Act of 1996, and charge institutions for participating in the network. It also allowed Indian nations, tribes, and pueblos to connect to the network in exchange for right of way.³²⁸

[HB 113](#), Voted for final passage ([RCS# 163](#))

Silver City Daily Press & Independent: The bill called on the state Department of Information Technology to leverage dollars spent on broadband by assisting tribal and local governments that wanted to tap into the network, creating more customers. Many providers did not expand service unless there was sufficient demand.³²⁹

BUDGET

APPROPRIATION BILLS

VOTES

Voted For Appropriating \$24.9 Million from General Fund for 2011 Legislative Session and Interim Activities Including FY 2012 Operating Budgets of Certain Committees

On 01/19/2011, Herrell voted for HB 1. House Bill 1 appropriates \$24.9 million from the general fund and cash balances to various legislative agencies for the purpose of funding operations of the 2011 legislative session and funding for interim activities, including fiscal year 2012 operating budgets of the Legislative Council Service, Legislative Finance Committee, Legislative Education Study Committee, and the House and Senate chief clerk offices. Other appropriations include legislative interim expenses, session preparation, statewide legislative internship program, expenses of the Senate Rules Committee and legislative information system.³³⁰

[HB 1](#), Voted for final passage ([RCS# 2668](#))

³²⁶ [Fiscal impact, HB 60, 2017](#)

³²⁷ “Legislative Roundup,” The New Mexican, Silver City Daily Press & Independent, 3/4/2017

³²⁸ [Fiscal Impact, HB 113, 2017](#)

³²⁹ “Legislative Roundup,” The New Mexican, Silver City Daily Press & Independent, 3/4/2017

³³⁰ [Fiscal Impact Report, HB 1, 2011](#)

The Santa Fe New Mexican: Gov. Susana Martinez signed the \$8.4 million Feed Bill (HB 1), which funds this session of the Legislature. The bill includes \$1.5 million for drawing up new districts for congressional and legislative seats this year. Most of that money is expected to go for legal costs and a demographer to present redistricting options.³³¹

Voted For Appropriating Funds for Operation of State Agencies, Higher Education, Public Schools and Other Purposes

On 02/08/2012, Herrell voted for HB 2. The bill appropriates money from the general fund, other revenue, internal services funds/interagency transfers, and federal funds for the FY13 operation of state agencies, higher education and public schools. Notable appropriations (with total amounts including some federal funds) included \$6.2 billion to health, hospitals and human services, \$2.8 billion each to higher education and public schools, \$835 million to transportation, and \$233 million to the judicial system.³³²

[HB 2](#), Voted for final passage ([RCS# 3480](#))

Albuquerque Journal: With one week remaining until New Mexico legislators wrap up their work, a \$5.6 billion spending plan is on its way to the state Senate. The House of Representatives voted 70-0 Wednesday in favor of the budget measure, which calls for next year's state spending to be increased by \$215 million - or about 4 percent - from this year's levels. Most of the new spending would go toward public schools and Medicaid. After three straight years of recession-related budget cuts, as well as one round of tax hikes, lawmakers suggested the state's financial outlook is improving. "We're hoping we can start to fill a few holes up in the next few years," said Rep. Rick Miera, D-Albuquerque. "It's going to take a while, but I believe we're moving in the right direction." The unanimous 70-0 vote on the budget came after Democrats and Republicans on a key House budget panel were able to reach a deal on budget-adjusting language. . . The approved budget plan allows for as much as \$42 million to be spent on shoring up the state's two public retirement plans or tax breaks proposed by Gov. Susana Martinez. The Republican governor has proposed a \$55 million tax cut package. . . The budget measure, HB 2, calls for nearly \$50 million to be used to boost the state's contribution to the retirement plan of public workers, including teachers. However, unlike a previous legislative budget recommendation, it does not include a salary increase for state employees.³³³

Voted For Authorizing Appropriations to Cover the Legislative Session Costs, such as In-Session Per Diem for All Lawmakers

On 1/22/2014, Herrell voted for HB 1, an Act that would appropriate \$21.6 million from the general fund and cash balances to various legislative agencies for the purpose of funding the operation of the 2014 legislative session and funding for interim activities, including fiscal year 2015 operating budgets of the Legislative Council Service, Legislative Finance Committee, Legislative Education Study Committee, and the House and Senate chief clerk offices. Other appropriations include legislative interim expenses, session preparation, statewide legislative internship program, expenses of the Senate Rules Committee, and legislative information system.³³⁴

³³¹ "LEGISLATIVE ROUNDUP," The Santa Fe New Mexican (New Mexico), 01/28/2011

³³² [Fiscal impact, HB 2, 2012](#)

³³³ "House Approves Budget, Cuts if Economy Falters," Dan Boyd, Albuquerque Journal, 2/9/2012

³³⁴ [Fiscal Impact, HB 1, 2014](#)

[HB 1](#), Voted for final passage ([RCS# 4366](#))

Las Cruces Sun-News: The bill, commonly called the “feed bill,” would authorize appropriations to cover the sessions costs, such as in-session per diem for all lawmakers. Lawmakers were not required to submit vouchers during the legislative session for per diem. Instead, they wrote their initials besides their names on a list and picked up their checks.³³⁵

Voted Against the 2015 Budget Bill that was a Total of \$6.17 Billion, Increased Spending by 5 Percent While Leaving Reserves at 8.7 Percent

On 2/19/2014, Herrell voted against SB 313, an Act that would appropriate money from the general fund, other revenue, internal services funds/interagency transfers, and federal funds for FY15, except as otherwise specifically stated in the bill for the operation of state agencies, higher education and public schools. Recurring general fund appropriations total \$6.17 billion an increase of \$291.8 million, or 5 percent, over the previous General Appropriation Act (GAA) while leaving reserves at 8.7 percent. Notable spending increases include compensation increases for state and public-school employees; an additional \$28 million for early childhood initiatives; and public and higher education funding increases of 6.6 percent and 5.8 percent, respectively. Recurring general fund appropriations added \$2.7 million to the marketing program of the Tourism Department; \$1.5 million for the job training/recruitment program at the Economic Development Department; \$5.9 million for expanding the capacity of graduate nursing education, undergraduate nursing education, and resident physician programs; and \$9 million to match with \$21 million of federal funds to provide a rate increase to hospitals contingent on legislation to generate county support for the Medicaid program. Nonrecurring general fund appropriations for special, supplemental, and deficiency items totaled \$66.7 million including \$7.7 million for the computer systems enhancement fund. Notable appropriations include \$10 million for economic development projects pursuant to the Local Economic Development Act (LEDA) and \$500 thousand for the MainStreet program, \$4 million to replenish the higher education endowment fund, \$3 million for special education maintenance of effort requirements, \$2.5 million for public education common core state standards, and \$2.9 million to ensure students who received four or more semesters of the legislative lottery scholarship receive awards for full tuition costs for FY15.³³⁶

[SB 313](#), Voted against final passage ([RCS# 4624](#))

The Gallup Independent: The House passed a \$6.17 billion compromise budget on a 58-8 vote. The bill increases spending by \$291.8 million, or 5 percent. It includes raises for state and public-school employees, an additional \$28 million for early childhood education, and bigger budgets for public (6.6 percent) and higher education (5.8 percent). The MainStreet program would receive \$500,000.³³⁷

New Mexico Watchdog: The bill would set aside \$17.5 million in educational programs favored by Gov. Martinez. There was nearly \$7.3 million for initiatives such as merit pay for teachers although there was question about the language in the bill that would allow local school districts to opt out of those programs. Under the bill, state employees, including public school teachers, would receive a 3 percent in pay. It would also feature \$28 million for early childhood initiatives, \$11.5 million to shore up the ailing New Mexico Lottery Scholarship program, \$2.7 million for a

³³⁵ “Lawmakers missing due to illness still collecting payments,” Patrick Malone, Las Cruces Sun-News, 2/18/2014

³³⁶ [Fiscal Impact, General Appropriations Act of 2014, 2014](#)

³³⁷ “House passes budget with one day left in session,” Sherry Robinson, Gallup Independent, 2/20/2014

tourism department marketing program, \$1.5 million for job training and recruitment, \$5.9 million for expanding nursing education, and \$9 million for county Medicaid programs. Overall funding for education increased 6.6 percent for public schools and 5.8 percent for higher education and left a reserve in the general fund of more than 8 percent.³³⁸

Voted Against the General Appropriations Act of 2014 which Increased Compensation for State and Public-School Employees, and Expanded the Capacity of Graduate Nurse Education Among Others

On 2/7/2014, Herrell voted against HB 2, an Act that would create recurring general fund appropriations total \$6.16 billion an increase of \$279.7 million, or 4.8 percent, over the previous General Appropriation Act (GAA) while leaving reserves at 9.0 percent. Notable spending increases include compensation increases for state and public-school employees; an additional \$30 million for early childhood initiatives; and public and higher education funding increases of 5.8 percent and 5.3 percent, respectively. Recurring general fund appropriations added \$2.5 million to the marketing program of the Tourism Department; \$1.5 million for the job training/recruitment program at the Economic Development Department; \$5.5 million for expanding the capacity of graduate nursing education, undergraduate nursing education, and resident physician programs; and \$10 million to match with \$30 million of federal funds to provide a rate increase to hospitals contingent on legislation to continue county support for the Medicaid program.³³⁹

[HB 2](#), Voted against final passage ([RCS# 4410](#))

Albuquerque Journal: The \$6.2 billion budget bill failed in a House floor vote. Education was the primary source of disagreement, based on whether local school districts or Gov. Susana Martinez' administration would have control over a "relatively small percentage of new education spending." The budget plan would have increased state spending by about \$280 million – or 4.8 percent – over 2014 levels. More than half of that spending increase, about \$150 million, would have gone toward public school. The budget would also give salary increases of 3 percent to all state employees and teachers, while providing even larger pay raises for new teachers, certain law enforcement officers and elected officials. A Martinez spokesman said, "the budget would have underfunded education initiatives designed to help struggling students and boost low-performing schools. Those initiatives include a merit pay program seeking to link teacher pay hikes to an educator evaluation system." Teachers union officials have said they do not want to see the budget bill significantly altered as it moved forward.³⁴⁰

Voted For Appropriating Funds for Operation of Government, Higher Education and Public Schools, and Public Health

On 02/24/2015, Herrell voted for HB 2. House Bill 2 appropriates money from the general fund, other revenue, internal services funds/interagency transfers, and federal funds for FY16 and FY15. Appropriations in the bill, except as otherwise specifically stated in the bill, fund the operations of state government including the Judiciary, Legislature, state agencies, higher education and public schools. Notable appropriation increases include education, early childhood initiatives, public health, workforce development and economic growth, public safety, and the protection of vulnerable citizens. Targeted increases included enrollment and utilization growth in the Medicaid program, at-risk student funding in

³³⁸ "Budget deal reached in NM legislature, heads to governor," Rob Nikolewski, State Capital Newsfeed, New Mexico Watchdog, 2/19/2014

³³⁹ [Fiscal Impact, HB CS/2,3,4,5 and 6, General Appropriation Act of 2014, 2014](#)

³⁴⁰ "Budget bill fails in tie vote in House; Control of education spending main point of disagreement," Dan Boyd, Albuquerque Journal, 2/8/2017

public and higher education, healthcare workforce development, substance abuse, behavioral health, higher entry-level minimum teacher salaries, and job creation.³⁴¹

[HB 2](#), Voted for final passage ([RCS# 4864](#))

Cibola County Beacon: Bipartisan quartet: Four legislative leaders -- House Speaker Don Tripp, R-Socorro; Senate President Pro Tem Mary Kay Papen, D-Las Cruces; Rep. Larry Larrañaga, R-Albuquerque; and former House Speaker Kenny Martinez, D-Grants -- appeared together at a news conference to discuss recommendations from the state Jobs Council included in the state budget bill that recently passed the House. The House budget calls for a \$35 million increase for the "closing fund" to help attract businesses to the state; \$7.5 million for the Job Training and Incentive Program, which covers the cost of hiring and training new workers; an extra \$1.6 million for tourism advertising; and a \$600,000 increase to the New Mexico MainStreet program, which helps revitalize downtown areas across the state. The Jobs Council recommended adding \$50 million to the closing fund. Larrañaga said he hopes the Legislature will add another \$15 million from severance tax bonds for the fund. The budget bill, HB 2, still has to get through the Senate.³⁴²

Roswell Daily Record: Lawmakers were able to agree this week on a \$6.2 billion budget for the 2015-16 fiscal year that begins July 1, the one essential legislative item of this year's 60-day session. The House on Friday afternoon passed the Senate's version of the House's original budget proposal, sending the mammoth spending bill, about an \$80 million increase from this year's budget, to the governor's desk. "I think it's a reasonable budget in light of what the economic downturn is with the oil and gas prices," said state Rep. Candy Spence Ezzell, R-Roswell, chair of the House Agriculture, Water & Wildlife Committee. "I think it's workable." Wooley also voted Friday for the final budget, which he said was a truly bipartisan effort. "I think they did an excellent job with the downturn, with money that we had," Wooley said of appropriations leaders. "Schools got more money than they've ever gotten before. We put a lot of money into our court system this year that was needed very badly for courtrooms and judges. I think they did a great job on it."³⁴³

Gallup Independent: With surprisingly little debate, the House concurred on the budget bills, HB 2 and 4, on the recommendation of House Appropriations and Finance Committee Chairman Larry Larrañaga. Said Rep. Patricia Lundstrom, D-Gallup: "We put forth an amendment a month ago to increase funding to higher education, restore funding to public television and provide more funding to education above the line. I think a lot of this was done. We didn't leave them a lot of money." Larrañaga said, "This is a budget with a priority set for job creation. It's fair to everyone seeking money from the general fund." This was a change in tone from earlier in the week, when Larrañaga sent a letter to Sen. John Arthur Smith, chairman of the Senate Finance Committee, threatening to not concur. The following day, Larrañaga apologized to Smith and on the House floor, saying he'd used "language that was unbecoming of me." The House vote was 67-0. It now goes to the governor.³⁴⁴

³⁴¹ [Fiscal Impact, HB 2, 2015](#)

³⁴² "Legislative roundup, Feb. 27, 2015," Cibola County Beacon, 3/6/2015

³⁴³ "Senate Democrats block GOP agenda," Roswell Daily Record, 5/21/2015

³⁴⁴ "Driver's license bill passed — at last," Sherry Robinson, Gallup Independent, 3/21/2015

Voted For Appropriating \$5.5 Million from General Fund to Higher Education Endowment Fund

On 03/11/2015, Herrell voted for HB 170. House Bill 170 proposes to (1) amend the Higher Education Endowment Fund (Act) and (2) appropriate \$5.5 million from the general fund to the higher education endowment fund (fund) to carry out the purposes of the Act. In addition to appropriating general fund revenues, the bill amends Section 21-1-27.1 NMSA 1978 by limiting funds to establish endowments at public postsecondary institutions. The bill defines endowment purposes eligible for funding: (1) establish endowed chairs, lectureships, professorships, research positions, graduate assistantships and faculty development programs that will enhance the quality of public postsecondary education in New Mexico; (2) address “the governor’s initiatives, including research and development initiatives; technology transfer initiatives; science, technology, engineering and mathematics (STEM) initiatives; health, education, water, and agricultural initiatives; and workforce development initiatives.” The bill excludes student scholarships, currently a permissible purpose, as an endowment purpose for this fund. The bill included one HAFIC amendment, which struck the \$5.5 million appropriation to the Higher Education Endowment Fund.³⁴⁵

[HB 170](#), Voted for final passage ([RCS# 5066](#))

Voted For Appropriating Funds for Operation of State Agencies, Higher Education, Public Schools, Health, and Other Purposes

On 02/06/2016, Herrell voted for HB2. House Bill 2 appropriates money from the general fund, other revenue, internal services funds/interagency transfers, and federal funds for FY17, except as otherwise specifically stated in the bill, for the operation of state agencies, higher education and public schools. Notable general fund spending increases include \$20.8 million for Medicaid; \$8.5 million for rising prison populations, inmate healthcare costs, and to address an out-of-date salary structure for guard staff; \$5 million to reduce public safety officer vacancies and turnover, phase three of a pay plan adjustment, and replace forfeiture revenue; and \$4.6 million to support more children in the state’s care, decrease caseloads, and expand early prekindergarten. General fund decreases include \$12.2 million for the Department of Health that was offset by increased revenue from improved Medicaid reimbursements and patient revenue and \$20.13.1 million in higher education institutions.³⁴⁶

[HB 2](#), Voted for final passage ([RCS# 123](#))

Associated Press: New Mexico's Republican-led House of Representatives voted to approve a \$6.3 billion budget that increases spending on Medicaid health care, early childhood education and prisons while cutting funding to state colleges and universities. The spending bill was rewritten over the past week after state economists slashed revenue expectations for the year starting in July by more than \$200 million because of low crude oil prices and weaker-than-expected tax receipts. The general fund budget plan passed with a 38-31 party-line vote. It would increase spending by \$81 million, or 1.3 percent over the current fiscal year. The majority of that money will come from raiding agency coffers and special reserves for spare cash.³⁴⁷

Albuquerque Journal: A \$6.3 billion spending plan for the coming budget year passed the House on a largely party-line 38-31 vote, with most House Democrats voting against it and some trying to make changes to the bill. In all, the budget bill would increase state spending by about \$81 million - or 1.3 percent - over this year's levels. It would increase funding for K-12 schools and

³⁴⁵ [Fiscal Impact, HB 170, 2015](#)

³⁴⁶ [Fiscal Impact, HB 2, 2016](#)

³⁴⁷ “Budget bill considered in New Mexico Legislature,” Associated Press, 2/6/2016

prisons, among other agencies, but would trim the budgets of universities. More than half of the increased spending would come from a one-time plan - included in a separate bill that also passed the House on Saturday - to take money from various state government accounts. State Police officers and corrections officers at state-run prisons would receive pay increases under the plan, but most rank-and-file state workers would not get raises.³⁴⁸

Albuquerque Journal: The House voted 57-10 for the \$6.2 billion budget for the fiscal year that starts in July, sending it to Gov. Susana Martinez for final approval. The vote came after criticism from House Democrats that the plan would not provide sufficient funding for Medicaid, public schools and other state programs. The budget plan hinges on drawing down the state's cash reserves, taking \$129.5 million from various government accounts - through a separate bill - and reducing state spending levels for the first time in five years.³⁴⁹

Voted For Appropriating \$166 Million for Funding Capital Outlay Projects Across State

On 02/15/2016, Herrell voted for the House Ways & Means Committee Substitute for HB 219. The House Ways & Means Committee Substitute for House Bill 219 authorizes nearly \$166 million, approximately \$123 million from severance tax bond capacity and approximately \$43 million from other state funds, for the purpose of funding capital outlay projects statewide. The bill contains an emergency clause. Other authorizations included approximately \$12 million for the public-school capital outlay fund, \$13 million for the game and fish protection fund, \$2 million for the miners' trust fund, \$23 million for the capital program fund, and \$4 million for the state road fund.³⁵⁰

[HB 219](#), Voted for final passage with emergency clause ([RCS# 242](#))

Santa Fe New Mexican: On Monday the state House of Representatives passed -- with only one dissenting vote -- a \$166 million bill for projects all over the state, mostly funded by severance tax bonds. House Bill 219 now goes to the state Senate. . . The House bill has \$7,154,722 for projects in Santa Fe and surrounding areas, the biggest item for the county being \$855,000 to expand the Santa Fe Municipal Airport. The next largest project is \$500,000 to plan and design the evidence center and crime lab for the state Public Safety Department. The bill earmarks a total of \$370,000 for three projects at Santa Fe Community College, including \$245,000 for auto equipment purchase and installation; \$75,000 to purchase a "science on a sphere" -- a spherical projection system created by the National Oceanic and Atmospheric Administration -- and \$50,000 for plant operations and maintenance. In HB 219, the Palace of the Governors would receive \$417,175 for improvements, plus another \$13,000 for photo archive equipment. The bill sets aside \$360,000 for the Edgewood wastewater system, while the state Department of Transportation would receive \$291,000 for electrical upgrades, plus another \$255,000 for restroom renovations.³⁵¹

BALANCED BUDGET

Said she was huge supporter of balanced budget amendment

³⁴⁸ "\$6.3B budget bill approved in House; Measure to increase spending by about \$81 million heads to Senate; LEGISLATURE 2016," Dan Boyd, Albuquerque Journal, 2/7/2016

³⁴⁹ "Lawmakers send \$6.2B budget to governor; Many bills await action as session enters last day; LEGISLATURE 2016," Dan Boyd, Albuquerque Journal, 2/18/2016

³⁵⁰ [Fiscal Impact, HB 219/HWMCS, 2016](#)

³⁵¹ "Lawmakers agree on pork bills," Steve Terrell, Santa Fe New Mexican, 2/16/2016

In April 2020, a DCCC tracking report stated that Herrell had called herself “a huge proponent of a balanced budget amendment” during a candidate forum.³⁵²

BUSINESS

ECONOMIC DEVELOPMENT

VOTES

Voted For Capping Aggregate Amount of Film Tax Credits Approved Per Year at \$45 Million And Changing Timing of Payments

On 03/02/2011, Herrell voted for HB 607, which was combined with HB 622. The bill adds a number of provisions to the film production tax credit. First, House Bill 607 would place a limit of \$45 million on the aggregate amount of film tax credits that can be approved by TRD in a fiscal year. It also changes the timing of the payments based on the size of the credit: under \$1 million is paid in full during the taxable year in which the refund amount is determined; \$1 million to \$5 million is divided into two equal allocations – one to be paid in the current year and the other in the taxable year immediately following; over \$5 million is divided into three equal allocations – one to be paid in the current year, one in the immediately succeeding year, and one in the year after that. Also, any credit that exceeds \$5 million is required to be audited by a certified public accountant licensed in NM. HB 607 also requires film production companies to submit detailed information on each production and postproduction expenditure to the NM film division of EDD. It adds the businesses representing actors and actresses to the definition of pass-through entity, which translates to the required withholding of an amount equal to the owner’s share of net income multiples by the highest Personal Income Tax rate for single individuals. HB607 limits expenses per vehicle and hotel and excludes funds spent gifts, artwork, jewelry, entertainment, amusement or recreation from eligible expenditures.³⁵³

[HB 607](#), Voted for final passage ([RCS# 2891](#))

Associated Press: A measure to cap film production subsidies at \$50 million a year and spread out some rebates to film companies over three years. In taking those steps, lawmakers freed up \$23 million that went into the budget to meet the governor's request to minimize cuts for education, health care and public safety programs. The House sent the bill to the governor by voting 51-17 to accept the Senate's version of the film subsidy limits. Scott Darnell, a spokesman for the governor, said Martinez "is encouraged that the Legislature voted to trim the film subsidy."³⁵⁴

Albuquerque Journal: The proposed budget hinges on several pieces of legislation providing enough revenue to cover proposed spending. That includes the retirement contribution measure, as well as a proposed \$50 million-per year cap on how much money the state spends on film rebates. Both the budget and the limit on film incentives were en route to the Governor's Office for final approval Thursday after the House agreed with Senate changes to

³⁵² “Candidate Forum with Chris Mathys,” DCCC, 4/25/2020

³⁵³ [Fiscal Impact, HB 607, 2011](#)

³⁵⁴ “House approves budget-balancing bill,” Associated Press, 3/18/2011

those two bills. Darnell said Thursday that Martinez was "encouraged" by the Legislature's vote on film rebates, saying the legislation has been one of the governor's top priorities. "Had the film subsidy not been trimmed by roughly \$23 million, cuts to public education could have been much deeper," Darnell said.³⁵⁵

Voted For Expanding Manufacturers Gross Receipts Deduction to Include Property Consumed during Manufacturing Process and Creating Deduction for Constructing New Businesses

On 2/15/2012, Herrell voted for HB 184, which was combined with HB 256. The bill expands the Manufacturers Gross Receipts deduction for tangible personal property to include property that is consumed during the manufacturing process, provided that the property is not a tool or equipment used to create the manufactured product, and provides for an increasing deduction each year to encourage manufacturing business to locate in New Mexico. The bill adds a deduction for receipts from leasing construction equipment if it is being used for the construction of a business. The bill also modifies the minimum amount distributed from the Small Cities Assistance Fund from \$35,000 to \$90,000 and modifies the formula for distribution.³⁵⁶

[HB 184](#), Voted for final passage ([RCS# 3634](#))

Santa Fe New Mexican: HB 184: Sponsored by Rep. David Doyle, R-Albuquerque; would end so-called tax pyramiding for the manufacturing and construction industries. Pyramiding occurs when businesses are taxed on services that are then incorporated into a final product, which also is taxed.³⁵⁷

Voted For Allowing an Additional Five Percent Film Credit for Television Productions or Projects with a Total Budget of Less than \$30 Million that Shot at least Ten Days in New Mexico

On 2/20/2013, Herrell voted for HB 379, an Act that would allow for an additional five percent film credit for television productions or projects with a total budget of less than \$30 million that shoots at least ten days in New Mexico. Additionally, language is added to allow for the carry-over of any amounts under the fifty-million-dollar annual limit not expended in a fiscal year, and these amounts will not count toward a subsequent years' annual limitation.³⁵⁸

[HB 379](#), Voted for final passage ([RCS# 3819](#))

The Santa Fe New Mexican: The bill was aimed at bringing more television series productions to New Mexico, called the "Breaking Bad" bill. The bill would increase the size of rebates for money spent on film production in the state to 30 percent for a television series that shot at least six episodes in a single season. Supporters pointed to the critically acclaimed AMC series Breaking Bad, which was finishing a five-season run shot mostly in Albuquerque, as the type of project that the state should try to attract. The bill would also allow the state to carry forward unused film production tax credits funds from previous years, if the state spent less than the current annual cap of \$50 million.³⁵⁹

³⁵⁵ "Key to Balanced Budget Held Up; House, Senate disagree on length of changes to pension contributions," Dan Boyd, Albuquerque Journal, 3/18/2011

³⁵⁶ [Fiscal Impact, HB 184, 2012](#)

³⁵⁷ "Legislative scorecard: What passed, what failed," Santa Fe New Mexican, 2/17/2012

³⁵⁸ [Fiscal Impact, HB CS 379, 2013](#)

³⁵⁹ "Legislative roundup, March 2, 2013," The Santa Fe New Mexican, 3/2/2013

Farmington Daily Times: The bill gave TV shows another 5 percent on the 25 percent rebate for qualified in-state expenses and allowed unused film tax credits funds to roll over to the next years.³⁶⁰

Voted For Increasing the Size of Rebates for Money Spent on Certain Film Production in the State and Allowed the State to Carry Forward Unused Film Production Tax Credit Funds From Previous Years

On 2/20/2013, Herrell voted for HB 379, an Act that would allow for an additional five percent film credit for television productions or projects with a total budget of less than \$30 million that shoots at least ten days in New Mexico. Additionally, language is added to allow for the carry-over of any amounts under the fifty-million-dollar annual limit not expended in a fiscal year, and these amounts will not count toward a subsequent years' annual limitation. Language added to the section also allows for a film production company to sell, transfer, or assign all or a portion of the film production tax credit to another entity. It altered the definitions of "direct production expenditure" and "physical presence." It also tightens the income tax provisions on performing artists by requiring withholding when the artist has an equity interest in the production. The bill also excludes expenditures from qualifying for the credit that are supplied by nonresidents whether hired or subcontracted by an in-state vendor.³⁶¹

[HB 379](#), Voted for final passage ([RCS# 3819](#))

Las Cruces Sun-News: The bill would increase the size of rebates for money spent on film production in the state to 30 percent for a television series that shot at least six episodes in a single season. It would allow the state to carry forward unused film production tax credit funds from previous years, if the state spent less than the current annual cap of \$50 million. For example, "if the state spent only \$40 million on rebates one years, the next year the cap would go up to \$60 million."³⁶²

Voted For Creating Frontier Communities Program for Community Economic Development

On 03/13/2013, Herrell voted for SB 185. Senate Bill 185 appropriates \$100,000 from the general fund to the MainStreet Program of the Economic Development Department (EDD) to develop a frontier communities program for expenditure in fiscal year 2014. The frontier communities program shall utilize the technical assistance, services, and resources of the MainStreet Program to establish a community economic development partnership program tailored to the needs of incorporated villages and towns with populations fewer than 5,000, focused on their village plazas, squares, and town centers.³⁶³

[SB 185](#), Voted for final passage ([RCS# 4206](#))

Gallup Independent: Also on the governor's desk is Senate Bill 185, by Sen. Pat Woods, R-Clovis, which mirrors Lundstrom's HB 76. The bills create the Frontier Communities Program as part of the Main Street Program to help the state's smallest communities with economic development.³⁶⁴

OTHER VOTES

Discussed economic drivers in New Mexico

³⁶⁰ "Tweety bird and the legislators," Sherry Robinson, Farmington Daily News, 3/4/2013

³⁶¹ [Fiscal Impact, HB CS 379, 2013](#)

³⁶² "Only three bills signed as Legislature heads into final days," Steve Terrell, Las Cruces Sun-News, 3/9/2013

³⁶³ [Fiscal Impact, SB 185, 2013](#)

³⁶⁴ "Bill would make loans for public projects; Legislative Session 2013," Sherry Robinson, Gallup Independent, 3/14/2013

In May 2020, Herrell discussed her views on increasing economic drivers in a Q&A with the Albuquerque Journal. Herrell said, “In order to increase economic drivers, we need to start with fixing our education system, reducing crime, lowering poverty levels, reducing the delay in licensing and regulatory processes. We must provide new and existing businesses the customer service and support they need to expand or relocate to New Mexico.”³⁶⁵

REGULATION/GOVERNMENT MANDATES

VOTES

Voted For Increasing Regulation of Purchase and Sale of Recycled Metals and Taking Measures to Reduce Use of Stolen Metals

On 02/14/2012, Herrell voted for SB 67. Senate Bill 67 would amend the Sale of Recycled Metals Act to (Chapter 57, Article 30) to provide a statutory basis for regulation of the purchase and sale of certain recycled metals. The bill would remove “auto wrecker” from classification as a secondhand metal dealer. Secondhand metal dealers would not be permitted to buy or sell secondhand metals without a valid registration issued by RLD. The registration would be valid for three years and could be suspended or revoked by the RLD Superintendent on a finding that the dealer intentionally violated the provisions of the Sale of Recycled Materials Act. The opportunity for a hearing would be provided prior to the imposition of a civil penalty. Certain transactions by dealers would be restricted by requiring documentation that the seller is the rightful owner of the regulated materials, has the permission of the rightful owner, or the regulated material was otherwise lawfully obtained. Secondhand metal dealers would be allowed to photograph the seller and the regulated materials. If a peace officer has probable cause to believe that property in the possession of a dealer is stolen or constitutes evidence in a criminal investigation, the peace officer may place a hold on the property (for up to five days or until the property is seized, whichever is earlier) prohibiting the sale or removal of the property from the premises.³⁶⁶

[SB 67](#), Voted for final passage ([RCS# 3603](#))

Santa Fe New Mexican: Metal thieves beware: The Legislature has passed not one, but two bills aimed at curtailing the theft of metal from construction sites and elsewhere. On Tuesday, the House unanimously passed Senate Bill 67, sponsored by Sen. Steve Neville, R-Farmington. Earlier this week, the Senate passed Rep. Debbie Rodella's House Bill 118. Rodella said Tuesday that Neville's bill was identical. The measures would require secondhand or scrap-metal dealers to register with the New Mexico Department of Regulation and Licensing, where they will be required to keep a record of any secondhand metal transactions. Law enforcement would have access to a department database of those transactions.³⁶⁷

CAMPAIGN FINANCE

DISCLOSURE

³⁶⁵ “Q&A: Congressional District 2 Yvette Herrell,” Anthony Jackson, Albuquerque Journal. 5/5/2020

³⁶⁶ [Fiscal Impact, SB 67, 2012](#)

³⁶⁷ “Legislative roundup, Feb. 15, 2012,” Santa Fe New Mexican, 2/15/2012

VOTES

Was Absent for Vote on Bill Requiring Electronic Filing of Contribution and Expenditure Reports and Requiring Lobbyists to Report Whether Contributions Came from Lobbyist or Employer

On 02/11/2016, Herrell was absent for the vote on HB 105. House Bill 105 amends the Campaign Reporting Act and the Lobbyist Regulation Act to require electronic filing of contribution and expenditure reports. The bill requires the SOS to maintain the filing data in an open and structured format so that it may be easily searched by the public and to provide for cross-checking and compliance monitoring. HB 105 creates the non-reverting campaign reporting system fund in the state treasury. The fund receives revenue lobbyist registration fees, and money in the fund is appropriated to the SOS to pay for upgrades, maintenance and operations of the electronic reporting system. In Section 3A (1), the bill strikes language requiring lobbyists to report “the cumulative total of expenditures...made...during the reporting period” and inserts in lieu thereof language requiring lobbyists to report “each expenditure of \$75 or more.” In addition, the bill requires lobbyists to report whether contributions came from the lobbyist’s employer or from the lobbyist on the lobbyist’s own behalf. HB 105 requires reporting individuals under the campaign reporting act to be notified electronically within 24 hours of contributions to them being reported by registered lobbyists.³⁶⁸

[HB 105](#), Was absent for vote on final passage ([RCS# 186](#))

Silver City Daily Press & Independent: Tracking campaign cash: The House of Representatives on Thursday passed a bill that would make it easier for the public to track the millions of dollars spent on campaigns during state elections. HB 105, sponsored by Rep. Jim Smith, R-Sandia Park, and Sen. Daniel Ivey-Soto, D-Albuquerque, appropriates \$985,000 to the Secretary of State’s Office to pay for upgrades, maintenance and operations for the electronic reporting system. Lawmakers in the 70-member House passed the bill by a 65-0 vote. It now goes to the Senate.³⁶⁹

Voted For Requiring Online Political Contributions Made By Credit or Debit Card to Include Billing Address Within U.S. or U.S. Mailing Address

On 02/13/2018, Herrell voted for SB 50. Senate Bill 50 provides requirements for contributions made to a candidate or a political committee via the internet by credit or debit card in the Campaign Reporting Act (Chapter 1-19- 34 NMSA 1978). Online contributions may be made to a candidate or a political committee by credit or debit card, if the contributor provides the card security code assigned (CVV); and either the billing address associated with the card, which must be within the U.S.; or, if the contributor is a U.S. citizen living outside the U.S., the U.S. mailing address used by the contributor for the purpose of voter registration. SB50 also provides for entities receiving contributions pursuant to the provisions of this bill, shall register with the secretary of state, and the secretary of state shall review the entity’s processing method. This includes any related computer software.³⁷⁰

[SB 50](#), Voted for final passage ([RCS# 233](#))

The Independent View: The New Mexico "Credit Card Loophole" is a gap in their Campaign Finance Laws that allows Individuals, including Foreign Sources, to make Anonymous Donations to Political Campaigns using Untraceable Prepaid Credit Cards. Individuals can use the Loophole to mask their Identity and evade Contribution Limits. The New Mexico State Legislature

³⁶⁸ [Fiscal Impact, HB 105, 2016](#)

³⁶⁹ “Legislative Roundup,” Silver City Daily Press & Independent, 2/12/2016

³⁷⁰ [Fiscal Impact, SB 50, 2018](#)

unanimously passed a Bill (SB 50) that Closes the Credit Card Loophole at the State Level. Remarkably, that vote took place just Five days after it was messaged by Governor Susana Martinez, passing through both the Senate and House.³⁷¹

CORONAVIRUS

CARES ACT

DCCC criticized Herrell for silence on CARES Act

In March 2020, the DCCC criticized Herrell and Claire Chase in a press release over the candidates' silence on the passage of the CARES Act, which the release claimed would "provide more than \$1.25 billion in much-needed relief directly to New Mexico to help mitigate the impact of the coronavirus pandemic on working families and small businesses." The release said that while "even the Republican Party of New Mexico. . . applauded the Trump-backed legislation," Herrell and Chase had been "radio silent on whether they agree." The release said their silence was "simply disqualifying" and that voters deserved a "clear answer from them immediately."³⁷²

Herrell declined to say if she would have supported CARES Act

In April 2020, Herrell declined to say if she would have voted for the Coronavirus Aid, Relief and Economic Safety Act , or CARES Act. Herrell said, "Extreme times have called for extreme measures. I am grateful that many Americans and small business owners will find relief with the legislation passed by Congress and signed by President Trump." She also accused House Democrats of taking advantage of the crisis to push through funding for unrelated items.³⁷³

Said it would be a mistake to bail out states during coronavirus pandemic

In April 2020, a DCCC tracking report said that Herrell argued against "a bailout for the states" during the coronavirus pandemic, calling it a mistake. She blamed financial difficulties on the fact that the federal government hadn't "had a balanced budget before all of this happened."³⁷⁴

Discussed response packages in interview

In May 2020, Herrell participated in a question and answer with the Albuquerque Journal. When asked about her opinion on the coronavirus response packages passed by Congress, Herrell said, "I believe Congress acted in the best interest of the American people to help protect individuals and business owners from inevitable financial hardships. That said, Congress should not have added unneeded funds for entities like the Kennedy Center or allowed large institutions like Harvard to access the loans."³⁷⁵

Herrell was also asked about what actions she believed should be taken to restore the economy once the coronavirus outbreak was contained. Herrell emphasized reopening in her response, saying, "[We should] allow individual states, communities, counties and job creators the flexibility necessary to reopen our economies in a safe manner. The economic pandemic is just as real as the virus and it will

³⁷¹ "NM Legislation to Close Door on Unverifiable Campaign Contributions and Foreign Money," The Independent View, 2/18/2018

³⁷² "Do Yvette Herrell and Claire Chase Agree with New Mexico GOP on Coronavirus Relief Package?," Press Release, DCCC, 3/30/2020

³⁷³ "Republicans in House race weigh in on stimulus bill," Alex Ross, Roswell Daily Record, 4/2/2020

³⁷⁴ "Radio Interview: Rural Route Radio with Yvette Herrell," DCCC, 4/30/2020

³⁷⁵ "Q&A: Congressional District 2 Yvette Herrell," Anthony Jackson, Albuquerque Journal, 5/5/2020

take a tremendous amount of work to recover the economic progress we were making under President Trump's policies."³⁷⁶

HEROES ACT

Said she opposed HEROES Act

In May 2020, Herrell said she opposed the HEROES Act, a \$3 trillion economic relief passage passed by House Democrats, during a debate forum on KSVP. Torres Small voted against the bill. Herrell cited to concerns over the growing deficit as a reason she was opposed to the bill. She added that she supported more funding for personal protective equipment (PPE) and supported the CARES Act, but said, "I am not in favor of any additional funding and the reason why is because we will then be looking at punishing states that have been fiscally responsible and then giving handouts to those that were not."³⁷⁷

REOPENING / LOCKDOWN

Claimed constitutional rights were being stripped away during lockdown

In April 2020, Herrell claimed that the constitutional rights of New Mexicans were being stripped away during the coronavirus pandemic in an appearance on the Rural Route podcast. According to a DCCC tracking report, Herrell claimed that not being able to gather for worship was infringing on rights and that Gov. Lujan Grisham was "picking winners and losers with who can be open for business" by targeting "mom and pop grocers, small cafes, [and] liquor stores" in rural parts of the state. She also claimed large chain stores that stayed open during the pandemic were "killing small businesses."³⁷⁸

According to the DCCC tracking report, Herrell also emphasized her belief that deregulation would help businesses recover from the pandemic. Herrell claimed many regulations had been relaxed during the pandemic "to get through things quickly" and said lawmakers needed to take a look at how regulations could be further eased as many of them created "an uphill battle" for things like permitting in the state.³⁷⁹

Discussed plans for economic recovery after COVID-19 pandemic

In May 2020, Herrell participated in an interview with KOB-4 TV, in which she discussed how she would help New Mexico rebound from COVID-19 if elected. Herrell suggested that she would support increased manufacturing and work to decrease reliance on prescription drugs from China.³⁸⁰

I think we have to be smart in how we open up, but I also think we have opportunities in this nation-- when we get through this, I believe we will see more manufacturing. I think, as a whole, Americans have seen the reliability on China on prescription drugs and I think we'll bring those industries back to American soil.

Said deregulation would help streamline coronavirus reopening during radio debate

In May 2020, Herrell claimed deregulation would be an important tool to help streamline the reopening of businesses during the coronavirus pandemic, according to a DCCC tracking report of a radio debate.

³⁷⁶ "Q&A: Congressional District 2 Yvette Herrell," Anthony Jackson, Albuquerque Journal, 5/5/2020

³⁷⁷ "GOP House candidates discuss stimulus, reopening," Alex Ross, Roswell Daily Record, 5/19/2020

³⁷⁸ "Radio Interview: Rural Route Radio with Yvette Herrell," DCCC, 4/30/2020

³⁷⁹ "Radio Interview: Rural Route Radio with Yvette Herrell," DCCC, 4/30/2020

³⁸⁰ ["Get to know the Republican candidates in CD2," KOB4, 5/13/2020](#)

Herrell also said she would support tax cuts to help businesses recover from the pandemic and stop “special interests” from over-regulating industries.³⁸¹

Agreed that businesses needed to be able to reopen at a faster pace during coronavirus

In May 2020, Herrell agreed with other candidates that businesses needed to be allowed to reopen more quickly during a debate forum on KSVP. Herrell said what they needed was “the green light to reopen safely.”³⁸²

SCHOOLS

Claimed schools should reopen because “it is extremely rare for children to transmit” coronavirus

In July 2020, Herrell said that she believed schools “should do everything possible to safely reopen in-person classes” for New Mexico’s children. Herrell continued, “As the American Academy of Pediatrics stated recently, there can be serious negative consequences to forcing children to stay home, including social isolation that can lead to emotional and health issues. Given this, along with the evidence that shows it is extremely rare for children to transmit the virus — and the burden remote-learning places on working parents — I support schools having in-person classes with appropriate precautions in place.”³⁸³

SPREAD OF VIRUS

Claimed “illegals” were bringing in disease, trash

In April 2020, a DCCC tracking report said that Herrell claimed in an appearance on the Rural Route podcast that “illegals” were bringing in unknown diseases across the border. Herrell also claimed immigrants brought litter and trash across the border.³⁸⁴

CRIME/PUBLIC SAFETY

DWIS

VOTES

Voted For Including Prior Convictions for Driving Boats While Under Influence with Other Prior DWI Convictions and Making Homicide or Great Bodily Harm by Boat a Third Degree Felony

On 02/09/2012, Herrell voted for HB 56. House Bill 56 amends the Motor Vehicle Code, Section 66-8-101 to include a prior conviction of Section 66-13-3, Operating a motorboat while under the influence of intoxicating liquor or drugs. The bill also adds a new section addressing homicide by boat and great bodily harm by boat, classifying it as a third degree felony, increases the basic sentence by four years for each prior DWI under Section 66-8-102 and 66-13-3 NMSA 1978. The effective date is July 1, 2012.³⁸⁵

[HB 56](#), Voted for final passage ([RCS# 3501](#))

³⁸¹ “GOP Debate,” DCCC Tracking Report, 5/15/2020

³⁸² “GOP House candidates discuss stimulus, reopening,” Alex Ross, Roswell Daily Record, 5/19/2020

³⁸³ [“Should New Mexico schools reopen this fall?” Patricia L. Garcia, North American Project, 7/22/2020](#)

³⁸⁴ “Radio Interview: Rural Route Radio with Yvette Herrell,” DCCC, 4/30/2020

³⁸⁵ [Fiscal Impact, HB 56, 2012](#)

Santa Fe New Mexican: HB 56: Dennis J. Roch, R-Texico; passed House 64-1, now in Senate Public Affairs Committee. Creates the crimes of homicide by boat and great bodily harm by boat, a third-degree felony. Amends the Motor Vehicle Code to provide that prior convictions for boating while intoxicated may increase the basic sentence for homicide by vehicle or great bodily harm by vehicle by four years for each prior DWI conviction.³⁸⁶

Voted For Banning Alcohol Sales to Individuals Whose Driver's Licenses had been Revoked due to DWI or Violation of the Implied Consent Act

On 3/4/2013, Herrell voted for HB 87, an Act that would require that an ID card for a person who had his or her driver's license revoked for DUI or for violation of the Implied Consent Act must indicate that the person is prohibited from purchasing alcohol. The bill prohibited a person who is under a court order not to drive without an ignition interlock license from purchasing alcoholic beverages.³⁸⁷

[HB 87](#), Voted for final passage ([RCS# 3979](#))

Las Cruces Sun-News: The bill would ban alcohol sales to individuals whose driver's licenses had been revoked due to DWI or violation of the Implied Consent Act. It would also amend state law to state that drivers required to sue an ignition interlock were banned from buying alcohol. The phrase "no alcohol purchases" would be added to ignition interlock licenses to show retailers that license holders couldn't buy alcohol.³⁸⁸

Associated Press: The bill required convicted drunken drivers to have an ignition interlock, which were intended to prevent vehicles from operating if they detected alcohol on the driver's breath. Drivers must blow into the devices before they started vehicles, and randomly after that. Offenders without a car weren't required to have one of the devices, and it was estimated that only about half of the state's convicted drunken drivers had interlocks. People with interlocks received special driver's licenses from the state and the legislation would require the licenses to indicate that the person couldn't buy alcohol. Bill sponsor Rep. Brian Egolf said he developed the legislation after seeing a man buy a soda and two miniature bottles of liquor at a convenience store, mix them and drive off in a vehicle equipped with an interlock. He and other supporters said the measure wouldn't stop all drunken drivers from buying alcohol. Liquor retailers from restaurants and bars to grocers and convenience stores weren't required by law to check the age of all people buying alcohol. Egolf said there was opposition from retailers to establishing a mandatory ID check requirement. Egolf said the proposal could help save lives if it prevented some drivers from drinking.³⁸⁹

Was Absent For Vote on Bill Further Tightening Drunken Driving Laws by Closing Loopholes in the State's DWI Laws

On 2/17/2014, Herrell was absent during a vote for HB 10, an act that would expand the existing Habitual Offender Enhancement statute to explicitly include felony driving under the influence (DWI) under that statutory scheme. The bill would increase the requirements to be met for removal of an ignition interlock device before reinstatement of a driver's license by requiring no more than two breath scores about a .05 and at least one test per week. The bill would also require the court to order that DWI

³⁸⁶ "DWI bills for 2012 Legislative Session," Santa Fe New Mexican, 2/11/2012

³⁸⁷ [Fiscal Impact, HB CS 87, 2013](#)

³⁸⁸ "Roundhouse roundup, March 4, 2013," The New Mexican, Las Cruces Sun-News, 3/4/2013

³⁸⁹ "House Oks liquor ban for some DWI offenders," Barry Massey, Associated Press, 3/4/2013

offenders sentenced to home arrest obtain a home breathalyzer, and also permits electronic monitoring in addition. The defendant would be responsible for costs unless “indigent.” The Traffic Safety Bureau would determine indigent guidelines.³⁹⁰

[HB 10](#), Was absent for vote on final passage ([RCS# 4564](#))

Las Cruces Sun-News: The bill would further tighten drunken driving laws. Supporters of the bill said it would close loopholes in the state’s DWI laws by including felony DWI under the state’s Habitual Offender Enhancement statute, increasing requirements for removal of an ignition interlock device and mandating home breathalyzers for offenders sentenced to house arrest.³⁹¹

Voted For Increasing DWI Penalties, Including License Revocation Based on Number of Convictions, Required Sobriety Monitoring if Interlock Installation Is Refused, and Other Penalty Increases

On 02/26/2015, Herrell voted for the HJC substitute for HB 86. The bill upgrades penalties for driving while under the influence of intoxicating liquor or drugs (DWI). Substantive changes include: license revocation would now depend on both the number of DWI convictions as well as the driver’s breath or blood alcohol concentration; a person who refuses a BAC test is assumed to have a BAC of 0.16 in determining interlock requirement period; a person who has not installed an interlock device is required to participate in a court-approved sobriety monitoring program, violations of which could lead to jail time; and the period of probation following a first DWI conviction is extended from up to one year to up to four years. The bill would also increase the requirements for removing an ignition interlock device and the reinstatement of a driver’s license, and where house arrest has been ordered for incarceration services, the bill would require the installation of a home breathalyzer device and allow an electronic monitoring device for the offender.³⁹²

[HB 86](#), Voted for final passage ([RCS# 4882](#))

Cibola County Beacon: DWI loopholes: The House on Thursday unanimously passed a bill aimed at closing loopholes in state drunken-driving laws. HB 86, sponsored by Rep. Stephanie Garcia Richard, D-Los Alamos would require a home Breathalyzer device and electronic monitoring for an offender under house arrest. Under the bill, driver’s license revocation would depend on both the number of DWI convictions as well as the driver’s breath- or blood-alcohol concentration at the time of arrest. Similar legislation by Garcia Richard has passed the House in past years but failed in the Senate. In a news release, Garcia Richard said HB 86 addresses some concerns of senators last year.³⁹³

Voted For Increasing Amount NM Dept of Transportation Can Reimburse Indigent Offenders for Ignition Interlock Monthly Active Usage Fees

On 02/12/2016, Herrell voted for HB 203. House Bill 203 will increase the amount that the NMDOT Traffic Safety Division (TSD) may reimburse for eligible indigent offenders for ignition interlock monthly verified active usage fees from \$30 to \$50 per month.³⁹⁴

[HB 203](#), Voted for final passage ([RCS# 203](#))

³⁹⁰ [Fiscal Impact, HB 10, 2014](#)

³⁹¹ “Legislative roundup: Feb. 18,” The New Mexican, Las Cruces Sun-News, 2/17/2014

³⁹² [Fiscal Impact, HB 86, 2015](#)

³⁹³ “Legislative roundup, Feb. 27, 2015,” Cibola County Beacon, 3/6/2015

³⁹⁴ [Fiscal Impact, HB 203, 2016](#)

Silver City Daily Press & Independent: Drunken drivers who can't afford to pay for court-ordered ignition interlocks will receive financial help if the governor signs a bill that passed the Legislature on Tuesday. The Senate voted 35-0 to approve House Bill 203, sponsored by Rep. Patricio Ruiloba, D-Albuquerque. The bill previously passed the House without a dissenting vote. . . Interlock devices require a convicted drunken-driving offender to blow into the interlock before a car can be started. If the interlock detects alcohol on the breath, the car won't start.³⁹⁵

Voted For Adding Fourth Degree Felony for DWI if Driving Privileges Are Revoked or Suspended

On 02/04/2016, Herrell voted for HB 81. House Bill 81 proposes to add a new section to the Motor Vehicle Code adding a fourth degree felony for driving under the influence of intoxicating liquor or drugs if the person's driving privileges are revoked or suspended or violates the Implied Consent Act or if the person is subsequently convicted. The bill also proposes to add the charge of "party to a crime" if a person authorizes or knowingly permits a person's whose driving privileges are revoked to drive a motor vehicle either owned or under the permitting person's control. The bill included one amendment from the House Judiciary Committee, which inserted "knowingly" to describe the person who authorizes or permits the use of a vehicle if the person whom permission or authorization is given has a devoked driver's license for a DWI and is arrested for a DWI.³⁹⁶

[HB 81](#), Voted for final passage [\(RCS# 95\)](#)

Albuquerque Journal: Members of the GOP-controlled chamber voted 39-26 to endorse House Bill 81, which would create a new felony offense for DWI drivers convicted while having a suspended or revoked driver's license, though some lawmakers expressed concern that the bill might be written too broadly.³⁹⁷

Voted For Including Prior DWI Convictions to Enhance Punishment when Sentencing Repeat DWI Offenders

On 02/04/2016, Herrell voted for HB 82. House Bill 82 proposes to amend the habitual offender section of the Criminal Sentencing Act (Chapter 31, Article 18) to include conviction of a felony under Section 66-8-102. A prior conviction for driving under the influence of intoxicating liquor or drugs is added to enhance punishment for DWI and the offender's sentence.³⁹⁸

[HB 82](#), Voted for final passage [\(RCS# 94\)](#)

Albuquerque Journal: Meanwhile, a bill that would mandate longer prison terms for individuals convicted of repeat DWI offenses - those convicted of a sixth DWI could face four extra years - was also approved on a more decisive vote, as was a proposal to toughen the penalty for killing someone while driving drunk. Although similar bills have faltered in previous years at the Roundhouse, the recent DWI-related deaths in the Albuquerque area have given the measures a higher profile in this year's 30-day legislative session.³⁹⁹

³⁹⁵ "Legislative Roundup," Silver City Daily Press & Independent, 2/17/2016

³⁹⁶ [Fiscal Impact, HB 81/aHJC, 2016](#)

³⁹⁷ "House passes 3 bills raising DWI penalties; Large majority votes for longer sentences for repeat offenders; LEGISLATURE 2016," Dan Boyd, Albuquerque Journal, 2/5/2016

³⁹⁸ [Fiscal Impact, HB 82, 2016](#)

³⁹⁹ "House passes 3 bills raising DWI penalties; Large majority votes for longer sentences for repeat offenders; LEGISLATURE 2016," Dan Boyd, Albuquerque Journal, 2/5/2016

Voted For Making Homicide or Great Bodily Harm By Motor Vehicle During DWI a Second-Degree Felony Offense

On 02/04/2016, Herrell voted for HB 83. House Bill 83 seeks to amend statutes 66-8-101 and 66-8-102 to increase penalties. NMSA 1978, Section 66-8-101 (Homicide by vehicle; great bodily harm by vehicle) is amended to make homicide or great bodily harm by motor vehicle while under the influence of intoxicating liquor or while under the influence of any drug or while driving recklessly is guilty of a second degree felony as opposed to a third degree felony required by the current statute. HB83 also proposes to amend the following subsections of Section 66-8-102 NMSA 1978 increasing the imprisonment terms for offenders convicted of driving under the influence for a fourth, fifth, sixth, seventh, and eighth time.⁴⁰⁰

[HB 83](#), Voted for final passage ([RCS# 96](#))

Albuquerque Journal: The vote on House Bill 83, which would make killing someone while driving drunk a second-degree felony instead of the current third-degree felony, was 52-12 in favor. Rep. Sarah Maestas Barnes, R-Albuquerque, the bill's sponsor, pushed back against questions on the measure, saying, "For anyone to say there is not a repeat DWI offender problem in New Mexico ... they're mistaken."⁴⁰¹

HATE CRIMES

VOTES

Voted For Amending Hate Crimes Act to Include Hate Crimes Against Law Enforcement Officers and Other First Responders

On 02/05/2016, Herrell voted for HB 95. House Bill 95 proposes to amend the Hate Crimes Act to provide a sentence enhancement when an individual commits a crime motivated by hate against a law enforcement officer. The bill includes House Floor Amendment #1, which adds on-duty firefighters and on-duty emergency medical technicians as separate classes of victims in addition to law enforcement officers. It also includes a House Judiciary Committee amendment including first responders.⁴⁰²

[HB 95](#), Voted for final passage ([RCS# 104](#))

Albuquerque Journal: A bill that would add law enforcement officers as a protected class to New Mexico's hate crimes law is headed to the Senate after clearing the House of Representatives late Friday on a 58-4 vote. The measure, House Bill 95, could mean longer prison sentences for individuals convicted of violent crimes against law enforcement officers. "This bill will give our law enforcement officers an extra measure of protection from violent criminal's intent on targeting them just because they wear a badge," said House Majority Leader Nate Gentry, R-Albuquerque, the measure's sponsor.⁴⁰³

OTHER ISSUES

⁴⁰⁰ [Fiscal Impact, HB 83/aHJC, 2016](#)

⁴⁰¹ "House passes 3 bills raising DWI penalties; Large majority votes for longer sentences for repeat offenders; LEGISLATURE 2016," Dan Boyd, Albuquerque Journal, 2/5/2016

⁴⁰² [Fiscal Impact, HB 95/aHCJ/aHF1#1, 2016](#)

⁴⁰³ "Around the Capitol," Albuquerque Journal, 2/6/2016

VOTES

Voted Against Allowing Public Criminal Records to Be Expunged if Individual Proved They Were Victims of Identity Theft, Wrongful Arrest or One Year After Dismissal Without Conviction

On 03/14/2013, Herrell voted against SB 294. Senate Bill 294 would allow an individual's public criminal records to be expunged after a hearing proving they were victims of identity theft, wrongful arrest, or one year after dismissal or release without conviction of any alleged ordinance, misdemeanor, or felony violation. After a hearing on the petition, courts would have thirty days to issue an order requiring that all arrest records and public records be expunged. The bill places limitations on what is expunged, excluding from the definition of public records and arrest records certain records such as records that reveal confidential sources; if the records are already confidential under the Arrest Record Information Act; records maintained for law enforcement purposes; records received pursuant to background checks; records maintained by the Children, Youth, and Families Department; records maintained by the Human Services Department; and, records maintained by the Public Education Department. Section 5 includes an exception that allows the record to be released to the public if it is ordered by a court. The bill sets out procedures for expungement of records when there has been an identity theft or a wrongful arrest, indictment or charge. Section 5 of the bill allows a person convicted of a misdemeanor or ordinance (but not including sex offenses, crimes against minors, and DWI convictions) to petition for expungement if no other charge or proceeding has occurred for a period of five years if the conviction was for a misdemeanor, or ten years if the conviction was for an offense involving domestic violence or abuse.⁴⁰⁴

[SB 294](#), Voted against final passage ([RCS# 4233](#))

Las Cruces Sun-News: Expungement bill: For the second year in a row, the Legislature has passed a bill that would allow people who are victims of identity theft, or wrongly accused or adjudicated of some crimes, to petition to expunge criminal charges from their record. SB 294, sponsored by Michael Sanchez, D-Belen, passed the House without a floor debate Thursday afternoon on a 40-26 vote. The Senate last month unanimously passed the bill, which now heads to the governor. An almost identical bill last year followed the same path to Gov. Susana Martinez's desk, where she vetoed the bill. She explained in her veto message that the bill would "fundamentally and negatively alter the New Mexico criminal justice system and place a significant impediment on the public's and media's right to know about information relating to convictions, arrests and other criminal proceedings." The bill would give a person the right to request a hearing before a judge, who would then make the decision whether a record should be expunge based on the merits of the individual case.⁴⁰⁵

Voted For Crime Omnibus to Connect Inmates with Healthcare and Health Screenings, Increase Requirements for Removing DUI Interlock, Change Nonviolent Crime Penalties, Create Officer Bonuses

On 02/02/2018, Herrell voted for HB 19. House Bill 19, or House Judiciary Committee Substitute for House Bills 19, 215, 217, 266, and 277. Section 1, formerly HB 217, directs correctional facilities to inform the Human Services Department (HSD) when an inmate is eligible for release, to assist HSD and its contractors in gaining access to incarcerated individuals to make eligibility determinations and enroll eligible individuals in Medicaid pre-release or upon release, and facilitate HSD's or their contractor's provision of care coordination. Upon the written request of a county, the department shall provide a

⁴⁰⁴ [Fiscal Impact, SB 294, 2013](#)

⁴⁰⁵ "Roundhouse roundup, March 14, 2013," Las Cruces Sun-News, 3/14/2013

behavioral health screening tool to facilitate screenings. The section defines “care coordination” as an assessment for health risks and the creation of a plan of care to address an individual's comprehensive health needs, including access to physical health care and mental health services; substance use disorder treatment; and transportation services. The bill adds new material on detailing how care coordination at correctional facilities should be managed, including screening for mental illness and habitual substance abuse within thirty days of incarceration in that facility; the opportunity to enroll in Medicaid; and care coordination for inmates already enrolled in Medicaid. Section 3, formerly HB 215, proposes a new use of already distributed funding, contingent on availability, from the Law Enforcement Protection Fund (LEPF) for retention bonus payments for tenured law enforcement officers who are otherwise eligible to retire. Section 4, formerly HB 19, proposes to amend Section 30-7-16 NMSA 1978 to change the violation of a felon in possession of a firearm to a third degree felony if the person has previously been convicted of a capital felony or a serious violent offense. Section 5, formerly HB 271, amends statutes governing numerous offenses, including littering, vehicle registration, improper display of registration plates, expiration of dealer plates, improper equipment, pedestrian control signals, driving with a suspended license, and riding improperly on motorcycles to increase penalty assessments and change penalties from misdemeanors to penalty assessment misdemeanors. Section 40, formerly HB 266, adds two new requirements for the removal of an ignition interlock and reinstatement of a driver’s license which was revoked for DUI. In addition to the current requirements, HB 266 would require “evidence that the ignition interlock device has recorded no more than two failed tests during the six months prior to reinstatement of the unrestricted driver's license; and evidence of verified active usage as that phrase is defined by the Traffic Safety Bureau of the Department of Transportation.”⁴⁰⁶
[HB 19](#), Voted for final passage ([RCS# 67](#))

Silver City Sun-News: The comprehensive, bipartisan public safety package specifically includes:

- HB 217, sponsored by Reps. Daymon Ely (D-Corralles) and Nate Gentry (R-Albuquerque), would help corrections facilities screen inmates for underlying health issues, connect them with treatment services, and enroll those eligible in Medicaid before they are released - encouraging access to behavioral health support and decreasing recidivism.
- HB 19, sponsored by House Minority Floor Leader Nate Gentry (R-Albuquerque), would keep violent criminals from obtaining firearms by increasing penalties for felony offenders who receive, transport, or possess a firearm.
- HB 215, sponsored by Rep. David E. Adkins (R-Albuquerque), would provide bonuses to our most experienced officers to help keep them on the force protecting our communities.
- HB 266, sponsored by Rep. Elizabeth Thomson (D-Albuquerque), would increase the requirements for removal of an ignition interlock device for DWI offenders before a driver's license is reinstated.
- HB 271, sponsored by Rep. Antonio "Moe" Maestas (D-Albuquerque), would set realistic penalties for nonviolent crimes, a fiscally responsible way to help our judiciary system better manage caseloads and free up the time for District Attorneys and public defenders to focus on serious crimes.⁴⁰⁷

Voted For Creating System for Salvage Yards to Verify That Purchased Vehicles Were Not Stolen

⁴⁰⁶ [Fiscal Impact, HB CS/19, 215, 217, 266 & 271, 2018](#)

⁴⁰⁷ “Legislative Happenings,” Silver City Sun-News, 2/14/2018

On 02/08/2018, Herrell voted for HB 52. House Bill 52 adds a new Section to the Motor Vehicle Code requiring auto recyclers to notify the Department of all motor vehicle purchases within forty-eight hours of the close of business on the day the purchase is made. The notification is required to be done electronically to include certain information about the seller, purchaser, vehicle, and intended disposition of the vehicle. Prior to purchase of the vehicle, the auto recycler is to verify with the Department if the motor vehicle has been reported stolen by checking the electronic system established and maintained by the Department. The Department is required to establish and maintain this electronic system and make it available to any law enforcement agency upon request and at no charge. The bill also amends several Sections of the Motor Vehicle Code related to providing electronic forms, and also related to dismantling of vehicles.⁴⁰⁸

[HB 52](#), Voted for final passage ([RCS# 107](#))

Albuquerque Journal: House Bill 52 would create a system for salvage yards and other auto recyclers to verify with the state Motor Vehicle Division that any vehicle they're purchasing isn't stolen. The state would also maintain a database of transactions to help law enforcement. The legislation is jointly sponsored by Rep. Monica Youngblood, R-Albuquerque; Sen. Howie Morales, D-Silver City; and Rep. Patricio Ruiloba, D-Albuquerque. The proposal comes after the Albuquerque area posted the highest per capita rate of auto thefts in the country for 2016, according to the National Insurance Crime Bureau.⁴⁰⁹

PUBLIC SAFETY EMPLOYEES

VOTES

Voted For the Creation of the Line of Duty Injury Act to Provide Guidance to Public Employers that Wanted to Grant Duty Injury Leave To Injured Officers

On 2/10/2014, Herrell voted for HB 211, an Act that created the Line of Duty Injury Act to provide guidance to public employers that want to grant “duty injury leave” to their public safety officers when injured performing non-administrative public safety functions. The duty injury leave would allow an officer to continue to accrue service credit towards their pension benefits while on leave. The bill set minimum procedures for granting duty injury leave.⁴¹⁰

[HB 211](#), Voted for final passage ([RCS# 4422](#))

Albuquerque Journal: The bill aimed to set up a framework for issues related to injured officers to be resolved later, when budgets “are not so tight.” Bill sponsor Rep. Paul Pacheco (R), when injured officers go on workers’ compensation, “they go into what’s called dead time, where they are no longer accumulating time toward retirement. That’s what the bill is trying to address.” The bill did not make the changes mandatory. The bill would apply to county and municipal police, sheriff’s and fire departments, the Corrections Department, the Children, Youth and Families Department, the Department of Public Safety and the Department of Game and Fish. Pacheco said he introduced the bill in response to the rash of incidents in which police officers from various agencies were injured in the line of duty.⁴¹¹

⁴⁰⁸ [Fiscal Impact, HB 52, 2018](#)

⁴⁰⁹ “Early childhood bill bypasses tough panel,” Dan McKay, 2/9/2018

⁴¹⁰ [Fiscal Impact, HB 211, 2014](#)

⁴¹¹ “Injured officers often face pay cuts; Bill encourages continued benefits, full salaries,” Albuquerque Journal, 2/18/2014

New Mexico State Police Chief Pete Kassetas said he already had the authority to give State Police officers injured in the line of duty up to 1,440 hours of full-paid duty injury leave. He said, “This bill is where we need to go because it would allow me to treat, within my system, all my employees the same. It would provide me with a mechanism to continue to pay their wages and benefits for an approved duty-related injury.”⁴¹²

A public safety employee hurt on the job could receive paid injury leave up to 1,500 hours, or 37 weeks, in any 12-month period, or 32 hours in any seven-day period. The supplement was limited to 960 hours, nearly a half year of a person’s full salary as predicated on a 40-hour workweek. From the time they were injured on the job and could no longer work, they got no credit toward retirement through the state Public Employees Retirement Association, and only medical bills related to the injury received on the job were fully covered by the city.⁴¹³

Voted For Expanding Scholarship Benefits for Survivors of Fire Fighters and Peace Officers Killed in Line of Duty

On 02/02/2018, Herrell voted for HB 55. House Bill 55 amends the Fire Fighter and Peace Officer Survivors Scholarship Act, which provides scholarship benefits for survivors of fire fighters and peace officers killed in the line of duty. The bill expands those benefits to include room and board support to eligible survivors attending out-of-state public postsecondary institutions. The amount of a scholarship for an out-of-state eligible institution is capped at the average cost of attendance at an in-state research institution. HB 55 also increases all benefits from five to six academic years.⁴¹⁴

[HB 55](#), Voted for final passage ([RCS# 64](#))

Los Alamos Monitor: Survivors' scholarship: The Senate on Tuesday night approved a bill to expand a scholarship that benefits surviving family members of New Mexico police officers and firefighters killed in the line of duty. House Bill 55 by Rep. Tim Lewis, R-Rio Rancho, would allow for the scholarship program to cover costs related to room, board, books and tuition.⁴¹⁵

SENTENCING/MANDATORY MINIMUMS

VOTES

Was Excused for Vote on Bill Making Theft or Damage of Communications Equipment a Crime if it Created a Hazard, Disrupted Service or Caused More than \$1,000 in Damage

On 2/17/2014, Herrell was excused during a vote for HB 239, an Act that would create a new section of the criminal code and outlines the criminal penalties for any person who by theft or by intentionally damaging, communications or public utility equipment, whether customer or utility owned, creates a public safety hazard or causes a disruption of communications services or public utility services to ten or more households, customers or subscribers or causes monetary damage equal to or greater than one thousand dollars in value equipment.⁴¹⁶

⁴¹² “Injured officers often face pay cuts; Bill encourages continued benefits, full salaries,” Albuquerque Journal, 2/18/2014

⁴¹³ “Injured officers often face pay cuts; Bill encourages continued benefits, full salaries,” Albuquerque Journal, 2/18/2014

⁴¹⁴ [Fiscal Impact, HB 55, 2018](#)

⁴¹⁵ “2018 State Legislature: Legislative roundup Feb. 13,” Los Alamos Monitor, 2/14/2018

⁴¹⁶ [Fiscal Impact HB 239, 2014](#)

[HB 239](#), Was excused for vote on final passage ([RCS# 4567](#))

The Gallup Independent: The bill made theft or damage to communications equipment a crime if it created a hazard, disrupted service to 10 or more customers, or caused damage of \$1,000 or more. A first offense would be a misdemeanor, a second offense would be a fourth-degree felony, and a third offense would be a third-degree felony. And a prosecutor could charge an individual with multiple crimes for the same act. Bill sponsor Rep. Gonzales (D) cited a list of recent crimes in explaining their legislation. The oil and gas industry in 2013 reported more than 200 incidents, the Albuquerque Police Department got one complaint every day, and the state Department of Transportation reported 57 incidents since 2008 with an estimated cost of more than \$1 million to repair.⁴¹⁷

Voted For Adding Additional Violent Crimes to “Three Strikes” Law Requiring Mandatory Life Sentence After Third Included Violent Offense

On 01/28/2016, Herrell voted for HB 56. House Bill 56 adds additional violent crimes to the five crimes covered in the current “three strikes” law. The bill increases the number and type of qualifying felonies under which a person being sentenced for a third conviction – for any combination of listed offenses – must be given a mandatory life sentence. The bill included House Floor Amendment 1, which added that the sentence of life imprisonment could not be imposed without a finding that all three violent felonies resulted in great bodily harm, were committed with the intent to cause great bodily harm, or were committed in a violent manner. A Senate amendment later changed the House Floor Amendment to say that the sentence of life imprisonment could not be imposed without a finding that all three violent felonies resulted in great bodily harm, were committed with the intent to cause great bodily harm, and were committed in a violent manner.⁴¹⁸

[HB 56](#), Voted for final passage ([RCS# 44](#))

Las Cruces Sun-News: Another bill passed by the House that is likely to cause controversy is a crime bill, HB 56, also sponsored by Pacheco. This would expand New Mexico's never-used “three-strikes” law for repeat violent offenders. It passed the House late Thursday on a 47-15 vote. House Minority Leader Brian Egoal, D-Santa Fe, voted in favor of it after Pacheco agreed to an amendment to ensure that only violent felons would be sentenced to life in prison under the proposal. A judge would have to find that the defendant committed or intended to commit great bodily harm in a violent manner.⁴¹⁹

Voted For Allowing Judge to Consider Juvenile Records of Adult Defendants when Setting Bail and Conditions of Release

On 02/01/2016, Herrell voted for the House Floor Substitute for HJC Substitute for HRPAC Substitute for HB 72. The bill would amend the Criminal Procedure Act to allow a judge to consider an adult defendant’s juvenile record when setting bail and conditions of release. The bill also proposes amendments to Section 32A-2-18 NMSA 1978 to expand access to juvenile records by bypassing the requirement that records can only be accessed if the case is a felony. The SPAC amendment reverses this. If a juvenile disposition is considered, the bill maintains it must be confidential and reviewed “in camera,” or excluding the public, to protect the privacy of the defendant. Evidence, documents, or

⁴¹⁷ “Skandera down, but still not out,” Sherry Robinson, Gallup Independent, 2/18/2014

⁴¹⁸ [Fiscal Impact, HB 56, 2016](#)

⁴¹⁹ “Senate may slow down governor’s bills,” Steve Terrell, Las Cruces Sun-News, 2/1/2016

motions pertaining to the use of the juvenile disposition in an adult trial will be sealed. Finally, the substitute for HB 72 amends Section 32A-2-26 NMSA 1978, Sealing of Records, adding the ability for the court to keep a juvenile record from being sealed to help in determining bail and conditions of release, and for sentencing.⁴²⁰

[HB 72](#), Voted for final passage ([RCS# 61](#))

Silver City Daily Press & Independent: Jaydon's Law: A bill meant to ensure that judges have a complete view of a violent criminal's prior record, including juvenile records, passed the House Monday by a 65-0 vote. HB 72 is named in honor of Jaydon Chavez-Silver, an Albuquerque teen who was killed during a drive-by shooting last year. Bill supporters maintain that current law prohibits judges from considering the juvenile record of an adult offender during bond and sentencing decisions.⁴²¹

Voted For Allowing Judges to Deny Bail to Defendants Charged with Felonies and Deemed Dangers to the Community

On 02/15/2016, Herrell voted for SJR 1. Senate Joint Resolution 1 purposes an amendment to Article 2, Section 13 of the Constitution of New Mexico to allow courts of record to deny bail to a defendant charged with a felony when a prosecutor requests a hearing to deny bail and provides clear and convincing evidence that the defendant will not come back to court, and is a danger to the community. In addition to the provision to deny bail to dangerous defendants, the amendment would also allow courts to release defendants without bail if there is no evidence that the defendant is dangerous or a flight risk, preventing detention that hinges on income. The amendment would be put on the ballot in the next general election for approval by the voters.⁴²²

[SJR1](#), Voted for final passage ([RCS# 247](#))

Albuquerque Journal: The state House of Representatives on Monday unanimously approved a proposed amendment to the New Mexico Constitution that would allow judges to deny bail to dangerous felony defendants while awaiting trial. Also under the proposal, defendants who pose neither a danger to the community nor a flight risk couldn't be held before trial solely because of a financial inability to post a money or property bond. House Majority Leader Nate Gentry, R-Albuquerque, said counties "are being eaten alive by incarceration costs" for defendants who have had bail set by judges, but haven't been able to post it.⁴²³

Voted For Adding Murder in Second Degree and All First Degree Felonies to List of Crimes with No Limitation Period

On 03/05/2016, Herrell voted for HB 172. The combination of the two bills proposes to amend and clarify the statute of limitations on murder in the second degree, conspiracy and tampering with evidence to coincide with the time limitation for the underlying crime. The bill proposes adding murder in the second degree and all first degree felonies to the list of crimes that have no limitation period.⁴²⁴

[HB 172](#), Voted for final passage ([RCS# 4981](#))

⁴²⁰ [Fiscal Impact, HB CS HB 72, 2016](#)

⁴²¹ "Legislative Roundup," Silver City Daily Press & Independent (New Mexico), 02/02/2016

⁴²² [Fiscal Impact, SJR 1, 2016](#)

⁴²³ "Around the Capitol," Albuquerque Journal, 2/16/2016

⁴²⁴ [Fiscal Impact, HB 172 & 196, 2015](#)

Alamogordo Daily News: The New Mexico House of Representatives unanimously approved a bill Thursday that would eliminate time limitations for prosecuting second-degree murder and change time limitations for prosecuting conspiracy and tampering with evidence. The combined House Bill 172 and 196 now heads to the Senate, where legislators say it will likely face much stiffer opposition. . . House Bill 172 would abolish the statute of limitations on second-degree murder in New Mexico. The current statute does not allow prosecutions more than six years after the crime was committed, a limitation that some law enforcement have said hampers their ability to prosecute suspects in cold cases. . . House Bill 196 was joined with House Bill 172 since both bills address the same section of state law. House Bill 196 would extend time limitations for prosecuting the crimes of conspiracy and tampering with evidence to coincide with the time limitation for the underlying crime.⁴²⁵

SEX CRIMES/CHILD ABUSE

VOTES

Voted For Providing the Legal Assumption of Coercion for Girls Under the Age of 18 who were Arrested for Prostitution as well as Allow Them to Consult with a Victim's Advocate

On 2/27/2013, Herrell voted for HB 556, an Act that would add “under the age of eighteen years” to three sections of the Safe Harbor Act allowing a person under the age of eighteen arrested for prostitutions to receive translation services, consult with a victim’s advocate, and receive information on social services available to victims of crime. The bill also required a person arrested for prostitution under the age of 18 must have a victim advocate or attorney present before questioning. Law enforcement shall make a reasonable effort to have a parent or adult member of the child’s family present before questioning begins. If the arrested person needs a translator, questioning shall not start until the translator is present. The final section of the act defines a “victim advocate” as a person from a state or nonprofit agency with experience in providing services for victims of crime.⁴²⁶

[HB 556](#), Voted for final passage ([RCS# 3918](#))

Cibola County Beacon: The bill would provide the legal presumption of coercion for girls under the age of 18 who were arrested for prostitution. Bill sponsor Rep. Gail Chasey said, “They would be assumed to be the victim, not the criminal.” Girls arrested for prostitution would have a right to consult with a victim advocate as well as be informed of social services available to victims.⁴²⁷

Voted For Raising the Age of the Victim in the Crimes of Sexual Exploitation of Children by Prostitution and Enticement from Under 16 to Under 18

On 2/27/2013, Herrell voted for HB 346, an Act that would amend the crimes of Sexual Exploitation of Children by prostitution and of Enticement of a Child to raise the age of the victim from under sixteen to under eighteen years old. The criminal sanctions remain the same under the bill, as only the age of the victim is increased by two years.⁴²⁸

[HB 346](#), Voted for final passage ([RCS# 3917](#))

⁴²⁵ “Limitations on charging for murder heads to Senate,” Bryan Betts, Alamogordo Daily News, 3/7/2015

⁴²⁶ [Fiscal Impact, HB 556, 2013](#)

⁴²⁷ “Legislative Update: Measures on prostitution see widespread support,” Steve Terrell, Cibola County Beacon, 3/5/2013

⁴²⁸ [Fiscal Impact, HB 346, 2013](#)

Cibola County Beacon: The bill would raise the age of the victim in the crimes of sexual exploitation of children by prostitution and enticement of a child. The age at the time for those crimes was under 16, but this bill changed that to under 18.⁴²⁹

Voted Against Allowing Children, Youth and Families Department to Have More Power to Intervene at Programs for Troubled Youth that Faced Abuse Allegations

On 2/17/2014, Herrell voted against HB 342, an Act that would revise the definitions in the Public Health Act to expand the definition of department or division to include divisions within Children, Youth and Families Department (CYDF) when reference is made to CYDF's service populations, and divisions within Department of Health (DOH) when reference is made to DOH's service populations, and to include within the list of facilities covered by CYDF any other program which, for a fee, donation, or scholarship, accepts children and provides them resident for any period more than sixty days in a twelve month period. The bill also adds this type of facility to the definitions of "health facility" and "secretary," and links them to CYDF in those sections.⁴³⁰

[HB 342](#), Voted against final passage ([RCS# 4574](#))

Las Cruces Sun-News: The bill would give the Children, Youth and Families Department the tools to intervene at programs for troubled youth that faced abuse allegations. There was debate over whether the bill would "assure the safety of children or foster government overreach." Bill sponsor Rep. Rudy Martinez acknowledged the legislation targeted one specific program, Tierra Blanco Ranch High Country Youth Program, and said, "Programs of this type have historically operated above the law in the state of New Mexico." The program was billed as a way to turn around troubled and at-risk youth through rugged work and responsibility but faced abuse allegations and lawsuits dating back to 2006.⁴³¹

Voted Against Increasing Penalties for Intentional Abuse of a Child Not Resulting in Death or Great Harm from Third Degree to Second Degree Felony

On 02/26/2015, Herrell voted against HB 182. House Bill 182 increases the penalty for intentional abuse of a child that does not result in death or great bodily harm from a third degree to a second degree felony for the first offense; for a subsequent offense, the penalty is increased from a second to a first degree felony. The bill also clarifies the penalty for (1) negligent abuse of a child that does not result in the child's death or great bodily harm, which is a third-degree felony for the first offense and for a subsequent offense is a second degree felony; (2) intentional abuse of a child of any age resulting in great bodily harm, which is a first degree felony; and (3) intentional abuse of a child of any age resulting in the child's death, which is a first degree felony resulting in the death of the child.⁴³²

[HB 182](#), Voted against final passage ([RCS# 4892](#))

Cibola County Beacon: Child abuse: The House voted 50-10 Thursday night for a bill that would expand penalties for convicted child abusers and those whose abuse contributes to the death of a child. "This bill protects our children by going after the predators that intentionally seek to harm them," said Rep. Conrad James, R-Albuquerque, who sponsored HB 182. Currently, those

⁴²⁹ "Legislative Update: Measures on prostitution see widespread support," Steve Terrell, Cibola County Beacon, 3/5/2013

⁴³⁰ [Fiscal Impact, HB 342, 2014](#)

⁴³¹ "House bill would regulate Tierra Blanca at-risk youth ranch," Patrick Malone, Las Cruces Sun-News, 2/17/2014

⁴³² [Fiscal Impact, HB 182, 2015](#)

who intentionally beat a child to death face life in prison if the victim was under the age of 12. Under James' bill, those who intentionally harm a child, leading to the child's death, would face life in prison no matter the child's age. The bill goes now to the Senate.⁴³³

Voted For Penalizing Distribution of Sensitive Images in an Effort to Harass Person Depicted or Cause Harassment of Person Depicted

On 02/26/2015, Herrell voted for HB 142. House Bill 142 would create a new statute within the criminal code prohibiting and penalizing the distribution or publication of images by electronic device or other medium, in an effort to harass the person depicted in the image or to cause that person to be harassed or injured. Sensitive images are defined as those of a person whose genitals are exposed or of a woman if any area of her breast below the top of her areola is exposed. The conduct, upon conviction, would constitute a misdemeanor. However, subsequent offenses by the same person would result in that person being convicted of a fourth-degree felony.⁴³⁴

[HB 142](#), Voted for final passage ([RCS# 4885](#))

Cibola County Beacon: Revenge porn: On a unanimous vote with little discussion, the House on Thursday passed HB 142, sponsored by House Democratic Floor Leader Brian Egolf of Santa Fe, which would make it a crime to post intimate photos or videos on the Internet to humiliate and punish former spouses or partners. Under the bill, the first offense would be a misdemeanor, punishable by a year in jail. Subsequent convictions would constitute a fourth-degree felony. Next stop for the legislation is the Senate.⁴³⁵

Voted For Allowing Courts to Grant Orders of Protection to Victims of Sexual Abuse that Would Remain in Effect while Defendant Was under Court Jurisdiction

On 02/02/2016, Herrell voted for HB 27. House Bill 27 enacts a new section of the Family Violence Protection Act (FVPA). In a sentencing proceeding for a person convicted of criminal sexual penetration (CSP), the prosecutor may request the criminal court grant the victim an order of protection that would remain in effect for the remaining duration of that court's jurisdiction over the offender. Once the criminal court's jurisdiction has expired, the victim may petition for an order of protection against the offender if a previous order of protection was granted. Based on the evidence submitted by the victim in the petition of the offender's conviction of criminal sexual penetration, the court may take judicial notice of the facts which led to such a conviction, and the victim shall not be required to appear in person at the hearing on the petition. If the court allows the victim not to appear, another person may appear on the victim's behalf. If the court grants the petition, it may issue an order of protection for the victim's lifetime, or any other length of time.⁴³⁶

[HB 27](#), Voted for final passage ([RCS# 73](#))

Silver City Daily Press & Independent: Rachel's Law: With no votes in opposition, the House passed a bill aimed at helping victims of sexual abuse. House Bill 27, sponsored by Rep. David Gallegos, R-Eunice, would allow courts to grant permanent restraining orders to victims of rape and sexual assault. Judges could base their decisions to grant such orders on the same evidence used to convict the offender. Supporters say this would spare victims from having to face their

⁴³³ "Legislative roundup, Feb. 27, 2015," Cibola County Beacon, 3/6/2015

⁴³⁴ [Fiscal Impact, HB 142, 2015](#)

⁴³⁵ "Legislative roundup, Feb. 27, 2015," Cibola County Beacon, 3/6/2015

⁴³⁶ [Fiscal Impact, HB 27, 2016](#)

abusers in court. The bill would also allow someone else to appear in court on behalf of the victim. The bill is named for an Albuquerque woman whose father sexually assaulted her when she was 10 years old, then tried to stalk her after he was released from prison.⁴³⁷

Voted For Increasing the Penalties for Child Sexual Exploitation Offenses

On 02/18/2016, Herrell voted for the Senate Judiciary Committee Substitute for the Senate Public Affairs Committee Substitute for HB 65. The bill increases the penalties for child exploitation offenses (intentionally possessing, distributing, producing or manufacturing any obscene visual or print media depicting any prohibited sex act or simulation of such an act when at least one participant is under 18 years of age). It creates a new basic sentencing structure in Section 31-18-15 in the Criminal Sentencing Act. Intentional possession would be a fourth degree felony for sexual exploitation of children with a basic sentence of ten years of imprisonment, with one additional year if the child depicted is under 13 years old. Intentional distribution would be a third degree felony for sexual exploitation of children with a basic sentence of eleven years of imprisonment. Intentional production would be a third degree felony for sexual exploitation of children with a basic sentence of 11 years, unless the child is under the age of thirteen, in which case it is a second degree felony with a basic sentence of 12 years. Intentional manufacture would be a second degree felony with a basic sentence of 12 years. The bill also authorizes the imposition of a \$5 thousand fine for second, third and fourth degree felonies for sexual exploitation of children.⁴³⁸

[HB 65](#), Voted for final passage ([RCS# 333](#))

Silver City Daily Press & Independent: The measure he wanted the Senate to hear in expedited fashion is House Bill 65, which would make each photo or depiction of child pornography a crime that could be charged individually. The bill, whose chief sponsor is Rep. Sarah Maestas Barnes, R-Albuquerque, passed the House on a 60-2 vote. Sharer said it should be heard by the full Senate without committee hearings because it is non-controversial. But Rep. Antonio “Moe” Maestas, D-Albuquerque, one of the two House members who voted against the bill, has said he sees practical problems for district attorneys who might have to charge someone with a hundred or a thousand counts of child pornography. Antonio Maestas said the better solution would be to make possession of child pornography a more serious crime that would carry a longer prison sentence than the typical 18 months.¹²⁴

Other Votes:

On 01/26/2016, Herrell voted for the original version of HB 65, which would have made each separate depiction of child sexual exploitation chargeable as an individual criminal offense and add a sentencing enhancement for depictions of children under the ages of 13.⁴³⁹ ([RCS# 28](#))

Voted For Making Intentional Abuse of a Child Resulting in Death a First-Degree Felony Regardless of the Child’s Age

On 3/6/2017, Herrell voted for HB 45, an Act that would make intentional abuse of a child resulting in death a first-degree felony (which carries a life sentence) regardless of the child’s age. At the time, life sentences were reserved for intentional child abuse which results in the death of a child less than twelve years of age; intentional child abuse resulting in the death of a child twelve to eighteen years of age.⁴⁴⁰

⁴³⁷ “Legislative Roundup,” Silver City Daily Press & Independent, 2/3/2016

⁴³⁸ [Fiscal Impact, HB CS CS 65, 2016](#)

⁴³⁹ [HB 65, Introduced legislation, 52nd Legislature, 2016](#)

⁴⁴⁰ [Fiscal Impact, HB 45, 2017](#)

[HB 45](#), Voted for final passage ([RCS# 312](#))

Las Cruces Sun-News: The bill would expand Baby Brianna’s Law toughening penalties for child abuse to include victims up to the age of 18. The original Baby Brianna bill was named after Brianna Lopez, a 5-month-old infant who died at the hands of her parents and caretakers in 2002.⁴⁴¹

Voted For Making Intentional Child Abuse Resulting in Death a First Degree Felony

On 02/09/2018, Herrell voted for HB 100. House Bill 100 amends Section 30-6-1 to make intentional abuse of a child resulting in death a first degree felony resulting in the death of a child (which carries a life sentence) regardless of the child’s age. Currently, life sentences are reserved for intentional child abuse that results in the death of a child less than twelve years of age; intentional child abuse resulting in the death of a child twelve to eighteen years of age is presently punished as a first-degree felony (which carries a mandatory 18 year sentence).⁴⁴²

[HB 100](#), Voted for final passage ([RCS#138](#))

Albuquerque Journal: The Albuquerque Republican's legislation, House Bill 100, passed the House 62-6 Friday but hasn't yet been heard by either of the two Senate committees it's been assigned to, she said. . . The Baby Brianna's Law proposal would stiffen penalties - by imposing a life sentence - for the intentional abuse of a child resulting in death, when the child is ages 12 to 17. The law already covers younger children.⁴⁴³

DISABILITIES

ADA

VOTES

Voted For Imposing a \$5 Fee for Newly Issued, Renewal or Replacement Disabled Parking Placards, Which was Previously Free of Charge

On 2/28/2013, Herrell voted for HB 155, a bill that would impose a new \$5 fee associated with newly issued, renewal, or replacement disabled parking placards. At the time there was no fee associated with the disabled parking placards or with the permanent disabled parking vehicle registration plates. \$3 would go to the Disability Fund, and \$2 would go to the motor vehicle suspense fund to cover costs of administering placard program.⁴⁴⁴

[HB 155](#), Voted for final passage ([RCS# 3927](#))

Las Cruces Sun-News: The bill would impose a \$5 fee for newly issued, renewal or replacement disabled parking placards, a service that at the time was provided free of charge. Governor Martinez vetoed the bill, and said, “During these challenging economic times, I cannot sign

⁴⁴¹ “Ethics commission proposal advances in New Mexico,” Las Cruces Sun-News, 3/16/2017

⁴⁴² [Fiscal Impact, HB 100, 2018](#)

⁴⁴³ “Backers fear time's running out on abuse bill; Legislation would cover older children under 'Baby Brianna's Law',” Albuquerque Journal, 2/14/2018

⁴⁴⁴ [Fiscal Impact, HB 155, 2013](#)

legislation that would impose a fee on New Mexico's elderly and other individuals with disabilities that may live on a fixed income."⁴⁴⁵

DISASTER ASSISTANCE

FIRES

VOTES

Voted For Creating Forest and Watershed Restoration Board and Fund

On 02/27/2015, Herrell voted for HB 38. House Bill 38, or the "Watershed Restoration Act," creates a fund for the purposes of forest and watershed restoration, among other projects. The proposed legislation creates a 15 member forest and watershed restoration board which is administratively attached to the Energy, Mineral and Natural Resources Department. The board adopts protocols and best management practices for forest and watershed preservation projects and prioritizes projects for funding. The board can seek assistance and delegate responsibility for the administration and implementation of projects. The bill creates the forest and watershed restoration fund, establishes the types of projects that can be funded including on the ground restoration projects and economic development projects, and establishes the application process and prioritization factors for projects.⁴⁴⁶ [HB 38](#), Voted for final passage ([RCS# 4918](#))

Farmington Daily Times: A local legislator's bill designed to fight wildfires that has passed five committees and the House with little opposition is scheduled for a hearing on the Senate floor this afternoon. Rep. Paul Bandy, R-Aztec, drafted House Bill 38 to shift \$15 million a year from the New Mexico Office of the Superintendent of Insurance to a fund for long-term forest and watershed restoration projects. Normally, that money would go to the state general fund. But revisions in various committees have led to the allocation being cut sharply. Now, as the bill is written, the restoration fund would receive \$2.25 million in fiscal year 2016 only and \$250,000 each subsequent year, according to a fiscal impact report published Wednesday. But Bandy said his bill is still viable. "I think it's enough to get started," he said. If it becomes law, next year he will try to get more money for the restoration fund, he said. Already, there is a lot of money for restoration projects between state and federal agencies, he said. The bill also would create a 15-member board to adopt protocols and best management practices, and establish and prioritize projects that could be funded. The board could determine which agencies private or public carry out the projects.⁴⁴⁷

EDUCATION (HIGHER ED)

STUDENT LOANS/ FINANCIAL AID

Authored op-ed in opposition to free in-state tuition in New Mexico

⁴⁴⁵ "Roundhouse roundup, March 12, 2013," The New Mexican, Las Cruces Sun-News, 3/12/2013

⁴⁴⁶ [Fiscal Impact, HB 38, 2015](#)

⁴⁴⁷ "Aztec lawmaker's fire bill headed to Senate," Dan Schwartz, Farmington Daily Times, 3/19/2015

In October 2019, Herrell wrote an op-ed opposing New Mexico Governor Michelle Lujan Grisham's proposal to offer free in-state tuition with the New Mexico Opportunity Scholarship program. The full op-ed is located in the appendix. In the piece, Herrell argued that free tuition would "create some truly perverse incentives," including "the incentive for our public universities to keep tuition growth low. . . making our schools less attractive for out-of-state students, whose higher tuition rates would otherwise help to offset the cost of tuition subsidies." Herrell also complained that there would be no distinction between degrees like nursing and "proverbial 'underwater basket weaving' majors."⁴⁴⁸

Herrell also expressed strong opposition to the idea that "people who have no legal right to be in the United States" could benefit from the tuition program, adding that the program would "provide an incentive for foreigners to disregard our lawful immigration system." Herrell said:⁴⁴⁹

Buried in the details of the "free" tuition program, however, is an even greater insult to American citizens and legal immigrants: it actually treats unlawful residents better than American citizens.

Gov. Lujan Grisham's plan is a "last dollar" program, meaning it will pay the remaining tuition balance after all scholarships, federal subsidies and other forms of financial assistance are taken into account. Immigrants in the country illegally, however, aren't eligible for Pell Grants, nor for the many scholarships and other programs that are available only to legal residents.

That means New Mexico taxpayers will actually be paying more to subsidize tuition for similarly situated unlawful residents than they do for American students.

That's absolutely outrageous, and it surprises me that so few commentators have pointed this out - especially given that education experts have cited the same factors to warn that New Mexico's plan could have the unintended effect of increasing inequality.

VOTES

Voted For Revamping the "Financially Troubled" Lottery Scholarship Program

On 2/15/2014, Herrell voted for HB 254, an Act that would make changes to the Legislative Scholarship Program (LLSP), including the creation of the Lottery Tuition Fund Act. Other changes included requiring the lottery students to fill out an application and a free application for federal student aid (FAFSA) to receive the lottery tuition scholarship, and distinguishing 'legacy' and qualified students. Legacy students are defined as students who have received the legislative lottery scholarship for 3 or more semester by the end of FY14. For qualified students, the bill would create flat awards based on institution type, GPA, and unmet need, and adding reporting requirements for the Higher Education Department (HED).⁴⁵⁰
[HB 254](#), Voted for final passage ([RCS# 4538](#))

Albuquerque Journal: The bill would revamp the "financially troubled" lottery scholarship program. The bill would create flat awards, ranging from \$250 to \$2,100 a semester, based on the type of institution, the student's GPA and the students "unmet need" after other scholarships and tuition funding sources were taken into account. Recipients would have to keep a 2.5 GPA and would be eligible for only seven semesters, rather than eight.⁴⁵¹

⁴⁴⁸ "Handouts are not the solution to student debt crisis," Yvette Herrell, Las Cruces Sun-News, 10/8/2019

⁴⁴⁹ "Handouts are not the solution to student debt crisis," Yvette Herrell, Las Cruces Sun-News, 10/8/2019

⁴⁵⁰ [Fiscal Impact, HB 254, 2014](#)

⁴⁵¹ "Senate panel punts pot penalty," James Monteleone, Deborah Baker, Albuquerque Journal, 2/16/2014

Voted For Setting Flat Lottery Scholarship Amounts Based on Type of Institution

On 02/15/2018, Herrell voted for SB 140. Senate Bill 140 amends the Legislative Lottery Tuition Scholarship Act to set flat award amounts depending on the sector of institution a student attends: \$1,500 per semester for students attending research institutions, \$1,020 per semester for students attending comprehensive institutions, and \$380 per semester for students attending community colleges. The bill requires HED to reduce or increase scholarship award amounts, depending on available revenues, in a manner that maintains the distribution in the same proportions of the amounts noted above. The bill would take effect at the beginning of FY19.⁴⁵²

[SB 140](#), Voted for final passage ([RCS# 287](#))

Albuquerque Journal: Another bill on its way to Martinez's desk would change how New Mexico Lottery scholarships would work for college students. Right now, the scholarship covers about 60 percent of tuition. But Senate Bill 140 would set flat dollars amounts of \$1,500 per semester for students attending research institutions, \$1,020 at comprehensive institutions and \$380 for community colleges.⁴⁵³

OTHER ISSUES

VOTES

Voted For Urging the Higher Education Department to Conduct a Feasibility Study on whether UNM Gallup Could Operate Successfully as an Independent Community College

On 2/28/2013, Herrell voted for the Higher Education Department (HED) to conduct a feasibility study on whether the UNM Gallup could operate successfully as an independent community college or as branch of other four-year, public institution. HED musts consider the willingness of the University of New Mexico to issue workforce training certificates in a timely manner and to evaluate the efficacy of existing degree and certificate programs offered at the University of New Mexico.⁴⁵⁴

[HB 71](#), Voted for final passage ([RCS# 3921](#))

The Gallup Independent: The bill asked the Higher Education Department for a study to determine if UNM-G could operate successfully as an independent community college or a branch of another four-year institution. The study would also gauge UNM's willingness to issue workforce training certificates in a timely manner and evaluate the branch's degree and certificate programs. If the school severed its connection with UNM, the community board and property owners in the district would assume its indebtedness, and the board would take ownership of property.⁴⁵⁵

Voted For a Uniform Percentage Lottery Tuition Scholarship Award for All Students, Depending on Funds Available

On 2/20/2014, Herrell voted for SB 347, an Act that would change the calculation of scholarship award amounts, striking the \$11 million general fund appropriation for FY14, striking the \$11.5 million general

⁴⁵² [Fiscal Impact, SB 140/SFCS, 2018](#)

⁴⁵³ "Session ends on bipartisan note; Legislators reach accord on budget, anti-crime efforts, scholarships, other issues; LEGISLATURE 2018," Dan Boyd and Dan McKay, Albuquerque Journal, 2/16/2018

⁴⁵⁴ [Fiscal Impact, HB 71, 2013](#)

⁴⁵⁵ "House Oks UNM split study; Legislative Session 2013," Sherry Robinson, The Gallup Independent, 3/2/2013

fund appropriation for FY15, limiting the liquor excise tax distribution for years FY16 and FY17, and making a number of changes to the definition of “program semester,” authorizing scholarships for qualified and legacy students, removing a number of reporting requirements for the Higher Education Department (HED), and changing reporting date requirements. The amendment changes the process for calculating scholarship awards to reflect the process currently in law. HED will determine the total amount of available revenues available for tuition scholarships, determine the percentage of tuition that can be covered based on available revenues, and set the tuition scholarship awards at that level. The amendment struck provisions in the bill that would have required HED to provide full tuition scholarships to eligible students in their first three program semesters and prorate awards for eligible students for the remainder of their scholarship terms.⁴⁵⁶

[SB 347](#), Voted for final passage ([RCS# 4692](#))

University of New Mexico News Release: The bill was amended in the house to closely track elements of the bill. Rather than the “frontloading” found in SB 347, the amendment called for a uniform percentage Lottery Tuition Scholarship award for all students, depending on funds available. The amendment also placed a two-year sunset on the bill’s use of liquor excise tax funding to bolster the scholarship fund beginning in FY 16.⁴⁵⁷

Las Cruces Sun-News: The bill provided a lump sum each year instead of guaranteeing full payment for all students on the scholarship, something several lawmakers said resulted in excessive increases in tuition.⁴⁵⁸

Voted For Providing In-State Tuition Rates for International and Non-Resident Students Seeking Bachelor’s Degree in STEM Fields or Business

On 03/11/2015, Herrell voted for HB 481. House Bill 481 provides reduced, in-state tuition and fee rates for international and non-resident undergraduate students seeking a bachelor’s degree in science, computer science, health, information technology, engineering, mathematics, or business (the “eligible programs”) from the University of New Mexico (UNM), New Mexico State University (NMSU), New Mexico Highlands University (NMHU), Eastern New Mexico University (ENMU), Western New Mexico University (WNMU), and the New Mexico Institute of Mining and Technology (NMTech). Students are eligible for reduced tuition and fees if (1) a university determines the student merits the award, (2) the student resides in NM while enrolled, and (3) the student signs a statement indicating an interest in working or starting a business in NM after graduation. The bill limits the number of waivers to five percent of the university’s full-time-equivalent undergraduate enrollment for the previous year.⁴⁵⁹

[HB 481](#), Voted for final passage ([RCS# 5060](#))

Cibola County Beacon: Think New Mexico bill: By a vote of 61-4, the House on Wednesday passed HB 481, sponsored by Reps. Nora Espinoza, R-Roswell, and Christine Trujillo, D-Albuquerque. The bill, promoted by the Santa Fe-based think tank Think New Mexico, seeks to increase the pool of entrepreneurs in the state by allowing the state’s universities to offer in-state tuition to international and out-of-state undergraduate students majoring in science, technology, engineering, math, health, or business. Students majoring in these fields tend to be

⁴⁵⁶ [Fiscal Impact, HB CS 347, 2014](#)

⁴⁵⁷ “Temporary lottery scholarship fix passes legislative session,” US Fed News, 2/20/2014

⁴⁵⁸ “Legislative session starts in combat, ends in compromise,” Walter Rubel, Las Cruces Sun-news, 2/20/2014

⁴⁵⁹ [Fiscal Impact, HB 481, 2015](#)

highly entrepreneurial, Think New Mexico director Fred Nathan argues. To receive the in-state tuition, the students must have a strong academic record and express an interest in starting a business in New Mexico.⁴⁶⁰

Voted Against Requiring New Mexico Educational Institution to Adopt and Enforce a Hazing Prevention Policy

On 3/13/2017, Herrell voted against HB 427, an Act that created a new section of Chapter 21 NMSA 1978, which relates to state and private education institutions, and the Public School Code requiring every educational institution in New Mexico to adopt, post, and enforce a hazing prevention policy. The bill further defines the act of hazing, requires notice of specific hazing prevention policies, and creates a few exemptions from hazing prevention policies.⁴⁶¹

[HB 427](#), Voted against final passage ([RCS# 428](#))

Roswell Daily Record: The bill intended to prevent hazing in New Mexico’s schools. The bill would require every New Mexico educational institution to adopt, post, and enforce a hazing prevention policy and defined what actions were considered hazing and lists the areas that hazing policies need to address to ensure the policies were consistent statewide. The bill required that hazing prevention policies to be printed in every student handbook and distributed to parents and students and contain a definition and prohibition on hazing, prohibition against aiding or abetting hazing and a description of when it would be appropriate to refer a hazing violation to law enforcement.⁴⁶²

Voted For Requiring Higher Education Institutions to Share Physical Facilities Whenever It Is Reasonably Feasible

On 3/14/2017, Herrell voted for HB 424, an Act that would require higher education institutions to share physical facilities whenever it is reasonably feasible to do so. The bill provides for procedures for requesting and gaining permission to use another institution’s facilities, with procedures to appeal to the Higher Education Department (HED). The bill also provides the Secretary of Higher Education the authority to require educational institutions to share physical facilities for instructional purposes.⁴⁶³

[HB 424](#), Voted for final passage ([RCS# 442](#))

The Gallup Independent: The bill would require higher education institutions to share physical facilities “whenever it’s reasonable feasible to do so.”⁴⁶⁴

Voted For Allowing Students to Take up to 16 Months Off Before Beginning College and Still Qualify for the State Lottery Scholarship Assistance

On 3/15/2017, Herrell voted for SB 420, an Act that would extend the eligibility period for students to qualify for the legislative lottery tuition scholarship from immediately upon graduation to 16 months after high school graduation or within one year of discharge from the United States armed forces. The Legislative Lottery Tuition Scholarship Act is also amended to allow students to qualify for the scholarship if they begin service in the armed forces within four months of high school graduation.⁴⁶⁵

⁴⁶⁰ “Legislative roundup, March 12, 2015,” Cibola County Beacon, 3/12/2015

⁴⁶¹ [Fiscal Impact, HB 427, 2017](#)

⁴⁶² “Anti-hazing bill passed by NM House of Representatives,” Roswell Daily Record, 3/16/2017

⁴⁶³ [Fiscal Impact, HB 424, 2017](#)

⁴⁶⁴ “Rebellious Senate overrides teacher leave bill veto,” Sherry Robinson, Gallup Independent, 3/15/2017

⁴⁶⁵ [Fiscal Impact, SB 420, 2017](#)

[SB 420](#), Voted for final passage ([RCS# 484](#))

New Mexico Senate Democrats Press Release: The bill would allow students to take up to 16 months off before beginning college and still qualify for the state Lottery Scholarship assistance. The law previously required that graduates must immediately enroll in college following high school graduation, or they lost the scholarship assistance permanently. The bill allowed for a “gap year” and extended the scholarship to students who enlist in the military and begin service within 4 months of graduation.⁴⁶⁶

Voted For Exempting 501(c)(3) Nonprofits from Gross Receipts Taxes

On 02/13/2018, Herrell voted for SB 17. Senate Bill 17 amends Section 7-9-29 NMSA 1978, which provides an exemption from gross receipts taxes (GRT) on receipts of 501(c)(3) nonprofits. The bill removes from this exemption the receipts of a prime contractor that are derived from operating a national laboratory in New Mexico.⁴⁶⁷

[SB 17](#), Voted for final passage ([RCS# 227](#))

Santa Fe New Mexican: Gov. Susana Martinez will have to decide whether to sign a bill designed to prevent the state government, as well as local governments in Northern New Mexico, from losing tax revenue if a nonprofit university takes over management of Los Alamos National Laboratory later this year. That possibility is real, as two Texas universities have submitted bids for the contract. "We stand to lose about \$30 million in gross receipts revenue to the state should a nonprofit contractor receive the [operations contract] at the national laboratory in Los Alamos," Rep. Stephanie Garcia Richard, D-Los Alamos, told the House of Representatives late Tuesday night before it voted 48-19 in favor of the measure, Senate Bill 17.⁴⁶⁸

EDUCATION (K-12)

CHARTER SCHOOLS

VOTES

Voted For Allowing Charter Schools to Submit Four-Year Plans for New Facilities

On 02/23/2015, Herrell voted for HB 253. House Bill 253 amends the Charter Schools Act to allow the Public School Capital Outlay Council (PSCOC) to authorize a variance to a charter school that includes granting four additional years to comply with statutory requirements that require charter schools to be housed in public facilities beginning July 1, 2015. A House Education Committee amendment changes the requirements of the Charter Schools act by adding a provision to the requirement that charter schools be housed in a public facility beginning July 1, 2015 by demonstrating that the charter school has developed and is following a four-year plan to fulfill that requirement.⁴⁶⁹

[HB 253](#), Voted for final passage ([RCS# 4853](#))

⁴⁶⁶ "Sen. Soules' Lottery Scholarship gap bill passed by House," Targeted News Service, 3/16/2017

⁴⁶⁷ [Fiscal Impact, SB 17, 2018](#)

⁴⁶⁸ "Bill imposing tax on nonprofit lab contractor goes to governor," Steve Terrell, Santa Fe New Mexican, 2/15/2018

⁴⁶⁹ [Fiscal Impact, HB 253, 2015](#)

Roswell Daily Record: House Bill 253, introduced by Espinoza, would allow charter schools to submit a four-year plan for new facilities. It passed the House Feb. 23 by a 65-0 vote and awaits action by the Senate Education Committee.⁴⁷⁰

K-12

Said that state standardized testing rates were an “overkill”

In September 2018, Herrell opined that there should be limited federal oversight of public education, citing an “overkill” in standardized testing.⁴⁷¹

I agree with testing, so we can have checks and balances in place. We need to listen to instructors, to our superintendents. We need to remove some of the voice of government from the classroom, so we can test for the checks and balances. The overkill, it's just gotten in the way of providing an education for our students that deserve better.⁴⁷²

Secured state funding for Holloway Base elementary school

In September 2018, State Sen. Bill Burt announced a \$34 million plan to demolish and rebuild a K-5 elementary school on Holloman Air Force Base. Burt noted during his announcement that Herrell was “instrumental” in securing state funding for the new facility. Herrell praised the opportunity to improve educational standards in Holloman.⁴⁷³

"The school provides Holloman the opportunity to meet the quality education standards needed by Alamogordo public schools and the Department of Defense. I am very excited about getting the project done for the communities of Alamogordo and Holloman."

Said K-12 education was to blame for divide between rural and urban America

In April 2020, Herrell claimed in an appearance on the Rural Route podcast that the divide between rural and urban Americans was due to missed opportunities in education. According to a DCCC tracking report, Herrell said it was a missed opportunity not to teach children “about where meat comes from, how farms operate, [or about] the day in the life of the farmer.” Herrell also children were not educated “broadly enough,” citing the lack of home economics or shop classes in some high schools.⁴⁷⁴

Herrell also said she thought that homeschooling forced by the coronavirus pandemic could show parents “how much influence is coming into the classroom,” implying that radical ideas taught to children included conservatism and sexuality. Herrell also warned of children “becoming indoctrinated into [these ideas] more and more.”⁴⁷⁵

VOTES

Voted For Mandatory Retention of 3rd Grade Students who Are Not at Proficiency Level

⁴⁷⁰ “House, Senate leaders spar over bill process,” Roswell Daily Record, 3/3/2015

⁴⁷¹ “Herrell addresses rural needs; Congressional candidate emphasizes family values and limited government,” Adrian Hedden, Carlsbad Current-Argus, 9/6/2018

⁴⁷² “Herrell addresses rural needs; Congressional candidate emphasizes family values and limited government,” Adrian Hedden, Carlsbad Current-Argus, 9/6/2018

⁴⁷³ “\$34 million for new Holloman Elementary,” New Mexico Senate Republican Office, The Alamogordo Daily News, 9/22/2018

⁴⁷⁴ “Radio Interview: Rural Route Radio with Yvette Herrell,” DCCC, 4/30/2020

⁴⁷⁵ “Radio Interview: Rural Route Radio with Yvette Herrell,” DCCC, 4/30/2020

On 03/01/2011, Herrell voted for HB 21. House Bill 21, which was combined with House Bill 100, changes the statutory requirements of retaining students up to 8th grade, including kindergarten students. Key differences to the prior policy include the mandatory retention of 3rd grade students who are not reading proficiently at the end of the 3rd grade, specifying that students could only be held back for one year and parental waivers could not be granted. The bill also implemented academic improvement plans for K-3 students found to be deficient in reading and would require the collection of data on reading proficiency.⁴⁷⁶

[HB 21](#), Voted for final passage ([RCS# 2858](#))

Santa Fe New Mexican: Whether New Mexico schools still lie along the bottom of national rankings or have become merely mediocre, they need work. So it's encouraging to see at least one education-reform bill with high hopes of passage, and a couple of others slogging through the Roundhouse with chances of becoming law sooner or later, preferably later ... House Bill 21, initiated by Democrat Mary Helen Garcia of Las Cruces and Republican Nora Espinoza of Roswell, takes on the long-standing challenge of "social promotion" -- notably by holding back, and getting help for, third-graders unable to read at third-grade level. Among the arguments for this bill is that, if kids can't read by the fourth grade, they stand a good chance of failing their other subjects, since they have to be able to read to understand what history, geography, science and math are about. Better they repeat third grade, for which kindergarten, first and second grades should have been preparing them, than wade into the deeper and muddier waters of later elementary education. . . The House passed it by a 62-5 count. With 11 days left in the legislative session, it still faces Senate committee hearings. With all 42 senators' seats up for election next year, there must be 22 of 'em willing to approve this measure.⁴⁷⁷

Voted For Implementing New Teacher and Principal Effectiveness Evaluation System in Public Schools and Charter Schools

On 02/14/2012, Herrell voted for HB 249. House Bill 249, which was combined with House Bill 251, enacts the "Teacher and School Principal Effectiveness Act", a new section of the Public School Code. Beginning with the 2013-2014 school year, all public schools, including charter schools, will be required to implement a new teacher and principal effectiveness evaluation system. The evaluation system will focus on measures of student growth and achievement that are valid and reliable, common and uniform, and not solely based on a single state assessment. If valid and reliable measures are not available, school districts will be required to submit their proposals for local measures for approval by the Public Education Department. Teacher evaluation will be based on the following: 1) 50 percent based on student growth and achievement; and 2) the Council will recommend the composition of the remaining 50 percent of the evaluation to be made up of additional measures recommended by the Council that include multiple sources of information about teacher effectiveness, including student surveys, teacher profession development plans and other measures and teacher observations. Principal evaluations will be based on the following: 1) 50 percent based on student and school growth; and 2) the Council will recommend the composition of the remaining 50 percent to be made up of measures that relate to instructional leadership, feedback from teachers, staff and parents, the principals fidelity to the evaluation system, and any other recommendations of the Council.⁴⁷⁸

[HB 249](#), Voted for final passage ([RCS# 3607](#))

⁴⁷⁶ [Fiscal Impact, HB 21, 2011](#)

⁴⁷⁷ "EDITORIAL: Schools: Guv's got legislators' attention," Santa Fe New Mexican (editorial), 3/9/2011

⁴⁷⁸ [Fiscal Impact, HB 249, 2012](#)

Albuquerque Journal: With the end of the 30-day session looming, the big decisions on education - a new system to evaluate teachers and Gov. Susana Martinez's initiative to limit the practice known as social promotion - were still up in the air late Tuesday. The House on Tuesday approved 57-9 a plan Martinez supports for evaluating teachers. Also on the agenda was a separate Martinez backed social promotion measure. The teacher evaluation bill, a combination of House Bills 249 and 251, is the product of bipartisan negotiations. One of its sponsors, Rep. Dennis Roch, R-Texico, an assistant school superintendent, told his colleagues the proposal provides multiple measures for evaluating teachers, and offers help to those who are struggling - "not that we get rid of teachers, but that we make them the very best teachers they can be." It would implement an evaluation system in every public school, including charter schools, beginning in the 2013-14 school year. Half of an evaluation would be based on "valid and reliable" measures of student growth and achievement; a 16-member effectiveness evaluations council would make recommendations about how to determine the remaining 50 percent.⁴⁷⁹

Voted For Mandatory Retention of Third Grade Students Who Are Not Proficient in Reading with Some Exemptions

On 02/15/2012, Herrell voted for HB 69. House Bill 69 requires assessment of all kindergarten through third grade students for reading proficiency and intervention and remediation with students who are not proficient in reading, and establishes a mandatory retention policy for third grade students who are not proficient in reading. No student shall be retained for more than one year in kindergarten through third grade because the student is not proficient in reading. Kindergarten through third grade students who do not demonstrate reading proficiency for two consecutive years shall be placed in an alternative program designed by the school district. The bill establishes six exemptions from the mandatory retention policy. The bill also requires districts provide intervention and remediation to students in grades four through eight who are not academically proficient for two years before the student is placed in an alternative program. A House Judiciary Committee amendment to the bill allowed parents to waive a student's participation in a prescribed intervention and allows parents to petition for promotion in some cases.⁴⁸⁰

[HB 69](#), Voted for final passage ([RCS# 3619](#))

Las Cruces Sun-News: The House of Representatives tonight approved a bill empowering the state to retain students in grades kindergarten through three if they do not read proficiently. The vote was 47-23. Currently, parents can overrule a school staff one time on a child's retention. State Rep. Mary Helen Garcia, D-Las Cruces, sponsored the retention measure, House Bill 69. The bill still has to go the state Senate. It faces a tight deadline because the legislative session ends at noon Thursday. Garcia said she hoped the Senate would hear it. A similar bill by Sens. John Arthur Smith, D-Deming, and Stuart Ingle, R-Portales, passed the Senate earlier in the week, 24-15. That measure now is in a House committee.⁴⁸¹

Voted For Removing Statutory Requirement to Increase Public School Lease Payments in Accordance with Consumer Price Index

⁴⁷⁹ "Teacher Ratings Get House Nod; Sponsor Says Bill Would Aid Struggling Educators," Deborah Baker, Albuquerque Journal, 2/15/2012

⁴⁸⁰ [Fiscal Impact, HB 69, 2012](#)

⁴⁸¹ "House approves social promotion bill (5:24 p.m.)," Milan Simonich, Las Cruces Sun-News, 2/15/2012

On 03/04/2013, Herrell voted for HB 273. House Bill 273 amends the Public School Capital Outlay Act, removing the statutory requirement to increase lease assistance payments by the consumer price index (CPI) annually. The Public School Capital Outlay Council will be able to decide whether to increase lease assistance payments by the CPI or not.⁴⁸²

[HB 273](#), Voted for final passage ([RCS# 3984](#))

N.M. Schools: HB 273: This act, sponsored by Rep. Sheryl Williams Stapleton, D-Albuquerque, changed one word in the act that created the public school capital outlay fund, from "may" to "shall." Previously, school lease payments had to be adjusted according to the consumer price index, and these adjustments are now optional. I don't know why that's important. This is a round-up on my blog, not an in-depth explanatory story.⁴⁸³

Voted Against Requiring Charter Schools to Verify to Chartering Authority that School Met Federal Grant Compliance Requirements

On 03/05/2013, Herrell voted against HB 522. House Bill 522 amends the Public School Code to add language: "The charter school shall verify to its chartering authority that it has met federal grant compliance requirements." Further, the bill strikes the word "local" in section E.⁴⁸⁴

[HB 522](#), Voted against final passage ([RCS# 3991](#))

Albuquerque Journal: HB522: This bill, sponsored by Rep. Mimi Stewart, D-Albuquerque, requires charter schools to verify with their chartering authority that they meet the requirements to receive federal grants. That's all it does. I don't know if this was an issue somewhere, but there you go.⁴⁸⁵

Voted For Authorizing a Special Registration Plate Supporting the Albuquerque Isotopes from which the Revenue would Support High School Sports in New Mexico

On 3/7/2013, Herrell voted for HB 282, an Act that would authorize the Motor Vehicle Division to issue a special registration plate with a logo indicating support for the Albuquerque Isotopes baseball team. The annual fee for the plate would be \$35 in addition to the regular motor vehicle registration fees. Revenue from the additional fee would be distributed as follows: \$10 would be retained by the Motor Vehicle Division to defray the cost of making and issuing the special plate, and \$25 would be distributed and appropriated to the Public Education Department for the purpose of funding middle and high school athletics and activities in New Mexico.⁴⁸⁶

[HB 282](#), Voted for final measure ([RCS# 4041](#))

Las Cruces Sun-News: The bill would authorize a special Albuquerque Isotopes license plate in which proceeds from sales of the plates would go to the Public Education Department to support high school sports, while \$10 from each plate would go to the Motor Vehicle Division to cover the cost of manufacturing plates promoting the professional baseball team.⁴⁸⁷

Voted For Expanding Definitions of Education Technology and Education Technology Equipment

⁴⁸² [Fiscal Impact, HB 273, 2013](#)

⁴⁸³ "BLOG: N.M. Schools: Some bills have actually passed," Hailey Heinz, N.M. Schools, 3/13/2013

⁴⁸⁴ [Fiscal Impact, HB 522, 2013](#)

⁴⁸⁵ "Bills that have actually passed, part deux," Hailey Heinz, Albuquerque Journal, 3/13/2013

⁴⁸⁶ [Fiscal Impact, HB 282, 2013](#)

⁴⁸⁷ "Roundhouse roundup, March 7, 2013," The New Mexican, Las Cruces Sun-News, 3/7/2013

On 03/08/2013, Herrell voted for SB 147. Senate Bill 147 expands the definitions of “education technology” and “education technology equipment” for the purpose of imposing local property taxes pursuant to the Public School Capital Improvements Act (SB9), and Public School Buildings Act (HB33), and limits expenditures for education technology to no more than 15 percent of the total revenue received from SB9 and HB33 annually. The bill also clarifies the definition of “education technology” in the Education Technology Equipment Act and the Technology for Education Act, making them consistent.⁴⁸⁸

[SB 147](#), Voted for final passage ([RCS# 4074](#))

N.M. Schools: SB147: This act, sponsored by Sen. Jacob Candelaria, D-Albuquerque, updates the definitions and descriptions of what constitutes "education technology." This matters, because technology can be paid for with capital dollars, taking some strain off school districts' operational budgets. In particular, the definition now includes software licenses, which can be very expensive and which districts have previously had to pay for with operating dollars. I know from my illustrious career sitting in APS committee meetings that the APS folks have been hoping for this language change.⁴⁸⁹

Voted For Allowing New Mexico School for the Arts to Seek Public Funding for Outreach Activities and Room and Board Assistance

On 03/10/2013, Herrell voted for SB 164. Senate Bill 164 amends the New Mexico School for the Arts Act to allow the New Mexico School for the Arts, a statutorily created charter school, to seek public funding for outreach activities and room and board for those students financially unable to pay the full cost. The bill expressly excludes the use of state equalization guarantee distribution for these purposes.⁴⁹⁰

[SB 164](#), Voted for final passage ([RCS# 4111](#))

N.M. Schools: SB164: This act, sponsored by Sen. Nancy Rodriguez, D-Santa Fe, loosens restrictions on funding for the New Mexico School for the Arts. Current law says the school must use private funding to pay for outreach, room and board. The bill amends this language to say the school can use other kinds of public funding, just not the money it receives through the state funding formula. My colleague T.S. Last has covered this issue.⁴⁹¹

Voted For Allowing Public Schools to Claim More Funding for Charter or Home School Students that Are Enrolled in Public School Classes

On 03/11/2013, Herrell voted for SB 302. Senate Bill 302 enacts a new section of the Public School Finance Act, creating the home schooled or charter school student program unit, allowing traditional public schools to claim program units for home school and charter school students that are enrolled in one or more classes in the school district. The number of home schooled or charter school student program units will be determined by multiplying the number of home schooled or charter school students who are enrolled in one or more classes by the cost differential factor of 0.25.⁴⁹²

[SB 302](#), Voted for final passage ([RCS# 4148](#))

⁴⁸⁸ [Fiscal Impact, SB 147, 2013](#)

⁴⁸⁹ "BLOG: N.M. Schools: Some bills have actually passed," Hailey Heinz, N.M. Schools, 3/13/2013

⁴⁹⁰ [Fiscal Impact, SB 164, 2013](#)

⁴⁹¹ "BLOG: N.M. Schools: Some bills have actually passed," Hailey Heinz, N.M. Schools, 3/13/2013

⁴⁹² [Fiscal Impact, SB 302, 2013](#)

N.M. Schools: SB302: This act, sponsored by Sen. Craig Brandt, R-Rio Rancho, would mean traditional public schools can receive funding for homeschooled or charter school students who take one or more classes at their schools. Under the current system, many school districts do not allow students to enroll in just one or two classes, because schools don't receive state funding to cover the cost of having an additional student in class. My colleague Elaine Briseno laid out the issue in this story.⁴⁹³

Voted For Renaming GED and Similar Terms to “High School Equivalency Diploma”

On 03/11/2013, Herrell voted for SB 183. Senate Bill 183 replaces the terms “general education development certificate”, “general equivalency certificate”, “general educational development certificate”, “certificate of general equivalency”, “general education diploma”, and “GED certificate” in the Chapter 21 (State and Private Education Institutions), Chapter 22 (Public Schools), Chapter 27 (Public Assistance), Chapter 29 (Law Enforcement), Chapter 31 (Criminal Procedure), Chapter 33 (Correctional Institutions), Chapter 52 (Workers’ Compensation), and Chapter 58 (Financial Institutions and Regulations) with the term “high school equivalency diploma”.⁴⁹⁴

[SB 183](#), Voted for final passage ([RCS# 4138](#))

Albuquerque Journal: SB183: I am unabashedly stoked about this bill, sponsored by Sen. Gay Kernan, R-Hobbs. It changes all GED-related language in state law to “high school equivalency diploma.” Various throughout state law, such diplomas are currently called “general education diplomas,” “general equivalency diplomas,” “general educational development certificates” and “GEDs.” Writing about education in New Mexico, I’ve frequently been stumped as to just what GED stands for in New Mexico, and what the right term is. If this bill is signed, I would have a definitive answer and a consistent style.⁴⁹⁵

Voted Against Enacting the Academic Success Through Remediation Act, which Would Emphasize Remedial Instruction for Struggling Readers

On 2/17/2014, Herrell voted against HB 93, an Act that would repeal a section of the NMSA 1978 of the Public School Code – Remediation programs, promotion policies, restrictions – and enacts the Academic Success Through Remediation Act, a new section of the Public School Code. The new Act changes statutory requirements pertaining to retention of students up to eighth grade, including kindergarten students.⁴⁹⁶

[HB 93](#), Voted against final passage ([RCS# 4571](#))

Las Cruces Sun-News: The bill would emphasize remedial instruction for struggling readers. Parents would “have a say in whether their children are held back a grade,” except in cases of chronic truancy.⁴⁹⁷

Silver City Daily Press & Independent: The bill made retention optional instead of mandatory and placed the decision back into the hands of local teachers and parents. The change “runs

⁴⁹³ “BLOG: N.M. Schools: Some bills have actually passed,” Hailey Heinz, N.M. Schools, 3/13/2013

⁴⁹⁴ [Fiscal Impact, SB 183, 2013](#)

⁴⁹⁵ “Bills that have actually passed, part deux,” Hailey Heinz, Albuquerque Journal, 3/13/2013

⁴⁹⁶ [Fiscal Impact, HB 93, 2015](#)

⁴⁹⁷ “Legislative roundup: Feb. 18,” The New Mexican, Las Cruces Sun-News, 2/17/2014

contrary to the governor's push for mandatory retention when reading proficiency standards aren't met."⁴⁹⁸

Voted For Allowing Approved Summer Civics Programs, Boys and Girls State, to be Offered as an Elective Course to Count Towards College Credits

On 2/19/2014, Herrell voted for SB 169, an Act that amended the Public School Code to allow approved summer civics courses or programs to be offered as an elective course to count towards credits needed to graduate and to earn a New Mexico Diploma of Excellence.⁴⁹⁹

[SB 169](#), Voted for final passage ([RCS# 4656](#))

Los Alamos Monitor: The bill would implement programs, Boys State and Girls State, to “teach young men and women the essentials of our form of government.” The programs were sponsored by the American Legion and the American Legion Auxiliary to provide training and experience in how government was operated and how we govern ourselves. The programs were weeklong, total immersion programs provided to junior class students that had more than 50 classroom equivalent contact hours in course work. The course explained and involved students in government beginning with political parties, candidate selection, campaigning, elections, serving in office on a county, state and city level. The students learned how law was made, what government provided, how much it cost, where the money came from and how it was allocated. It provided the opportunity for high school juniors to obtain one semester of credit toward graduation by partaking in the one week of Boys State or Girls State.⁵⁰⁰

Voted For Holding Back Third Grade Students Who Cannot Demonstrate Grade-Level Proficiency by Beginning of Following School Year

On 02/11/2015, Herrell voted for HB 41. House Bill 41 repeals Section 22-2C-6 NMSA 1978 of the Public School Code – Remediation programs; promotion policies; restrictions – and enacts a new Section 22-2C-6 NMSA 1978 – Grade promotions; intervention; remediation programs; retention policies; restrictions – that outlines identification, intervention, and remediation policies for kindergarten through high school students. Provisions related to students in fourth grade and beyond are relatively similar to what is currently in law. New provisions related to kindergarten through third grade students require administration of a reading screening assessment to these students at the beginning of each school year, and if the student is identified as deficient in reading, the development of a reading improvement plan. Beginning with the 2016-2017 school year, third grade students who are not proficient in reading will not be promoted if they cannot demonstrate grade-level proficiency by the beginning of the next school year unless they meet one of four enumerated exceptions.⁵⁰¹

[HB 41](#), Voted for final passage ([RCS# 4763](#))

Roswell Daily Record: Gentry said one of the bills awaiting Senate consideration is House Bill 41, a bill that would stop the social promotion of kindergarten- through eighth-grade students who cannot read at a proficient level or are not academically proficient. The bill was passed by the House on Feb. 11 by a 38-30 vote.⁵⁰²

⁴⁹⁸ “Education measures piling up at session’s end,” Tom McDonald, Silver City Daily Press & Independent, 2/18/2014

⁴⁹⁹ [Fiscal Impact, SB 169, 2014](#)

⁵⁰⁰ “Boys, Girls State benefit students,” Vernon Kerr, Los Alamos Monitor, 2/20/2014

⁵⁰¹ [Fiscal Impact, HB 41/aHEC/HFL#1, 2015](#)

⁵⁰² “House, Senate leaders spar over bill process,” Roswell Daily Record, 3/3/2015

Albuquerque Journal: Though critics emphasize that it provides for holding back third-grade students who struggle to read, just four lines of the 10-page bill focus on retention after third grade as the last safety net, with the rest of the legislation laying out specific interventions in kindergarten, first, second and third grades, as well as parent involvement, and exemptions for English language learners and special education students. The House wisely passed this legislation last week and the Senate should follow suit to finally give all New Mexico students the guarantee we will not give up on their ability to actually succeed academically by just passing them along until they drop out.⁵⁰³

Voted For Suspending Driving Privileges of Habitually Truant 8th Through 12th Grade Students Until 18th Birthday if Student Does Not Increase School Attendance

On 03/11/2015, Herrell voted for the HEC Committee Substitute for HB 117. The bill amends the Compulsory School Attendance Law (CSAL) and the Motor Vehicle Code to mandate the suspension of the driving privileges of a habitually truant eighth- through 12th-grade student until their 18th birthday if they do not come into compliance with the CSAL beginning with the 2016-2017 school year. The bill also imposes mandatory reporting requirements for the Public Education Department and the Motor Vehicle Division of the Taxation and Revenue Department on implementation of the CSAL beginning in FY18. The bill eliminates the Children’s Court’s ability to suspend the driving privileges of a habitually truant student for 90 days on a first finding of habitual truancy and one year for subsequent findings. The bill included one House Floor Amendment, which included “guardians” in provisions related to notification of truancy, includes parents and guardians as able to request meetings with the school to present evidence that the student is not truant, and required a report on the administration of truancy laws.⁵⁰⁴

[HB 117](#), Voted for final passage ([RCS# 5057](#))

Albuquerque Journal: Public Education Secretary Hanna Skandera said Thursday that the Senate was stalling on important bills, like the third-grade retention bill or HB 117, which would strip habitually truant students of their driver's licences. Senate committees will hear those bills and plenty others over the next week, said Sen. Gerald Ortiz y Pino, D-Albuquerque, who chairs the Senate Public Affairs Committee. The Public Affairs and Senate Education Committee are the two committees where most of the House education bills have been assigned.⁵⁰⁵

Voted For Implementing Teacher Evaluation Framework Based on Student Growth and Observations on Performance Levels

On 03/09/2015, Herrell voted for the House Education Committee Substitute for HB 144. The bill enacts the Teacher and School Leadership Effectiveness Act (Act) in the Public School Code. The bill places in statute a framework that is similar to the Public Education Department’s current teacher and school leader evaluation system the department implemented by rule. The bill establishes evaluation procedures for teachers and school leaders based on student growth and other measures, including observations that differentiate a minimum of five performance levels. The bill requires a written report of evaluation results to be provided to all evaluated employees and establishes supports and corrective

⁵⁰³ “Time to double down on NM school improvement,” Albuquerque Journal (New Mexico), 02/16/2015

⁵⁰⁴ [Fiscal Impact, HB 117, 2015](#)

⁵⁰⁵ “House, Senate far apart on education reform; Number of bills up for consideration, but many split on partisan lines,” Jon Swedien, Albuquerque Journal, 3/13/2015

action procedures for minimally effective and ineffective teachers. The bill also amends other provisions of the School Personnel Act to require teachers and school principals be evaluated pursuant to the Teacher and School Leadership Act. The bill has a severability clause.⁵⁰⁶

[HB 144](#), Voted for final passage ([RCS# 5018](#))

Albuquerque Journal: For his part, Roch said he is hopeful for HB 144, a bill that would reduce the weight given to test scores in teacher and school ratings from 50 percent to 40 percent. The bill, which passed the House this week, has some bipartisan support, as well as some opposition. Neither Skandera nor teachers' unions support the bill.⁵⁰⁷

Voted For Ending Social Promotion if Third Grade Students Cannot Demonstrate Grade-Level Proficiency by Beginning of Following School Year

On 01/29/2016, Herrell voted for HB 67. House Bill 67 repeals Section 22-2C-6 NMSA 1978 of the Public School Code – Remediation programs; promotion policies; restrictions – and enacts a new Section 22-2C-6 NMSA 1978 – Grade promotions; improvement plans to include interventions and remediation; retention policies; exemptions – that outlines identification, intervention, and remediation policies for kindergarten through high school students. Provisions related to students in fourth grade and beyond are relatively similar to what is currently in law. New provisions related to kindergarten through third grade students require administration of a reading screening assessment at the end of the first nine weeks of the school year for kindergarten students and at the beginning of the school year for first through third grade students, and if a student is identified as not proficient in reading, the development of a reading improvement plan. Beginning with the 2017-2018 school year, third grade students who are not proficient in reading will not be promoted if they cannot demonstrate grade-level proficiency by the beginning of the next school year unless they meet one of four enumerated exceptions. The bill included a House Education Committee amendment that clarified that students who are not academically proficient at the end of grades 4 through 8 should be given an academic proficiency plan.⁵⁰⁸

[HB 67](#), Voted for final passage ([RCS# 52](#))

Albuquerque Journal: A push for legislation aimed at ending the practice of "social promotion" in New Mexico public schools was derailed Monday in its first assigned Senate committee. The House-approved bill was tabled on a 6-3 vote in the Senate Education Committee, as Sen. Gay Kernan, R-Hobbs, joined with the five Democrats who sit on the committee in voting to table the measure. This year's bill, House Bill 67, passed the GOP-controlled House on a largely party-line 36-27 vote on Jan. 29.⁵⁰⁹

Voted For Implementing a Curfew for Children Between Midnight and 5 A.M., and During School Days

On 02/01/2016, Herrell voted for HB 29. House Bill 29 authorizes counties and municipalities to adopt youth curfew ordinances regulating and restricting the actions of children between midnight and 5 a.m., as well as during the school day. A school day curfew ordinance may require children subject to the compulsory school attendance law to be present on public, private or home school program premises when that school or program is in session. The bill includes exemptions for children 16 or older, lawfully

⁵⁰⁶ [Fiscal Impact, HB 144, 2015](#)

⁵⁰⁷ "House, Senate far apart on education reform; Number of bills up for consideration, but many split on partisan lines," Jon Swedien, Albuquerque Journal, 3/13/2015

⁵⁰⁸ [Fiscal Impact, HB 67, 2016](#)

⁵⁰⁹ "3rd-grade retention bill stalls in Senate committee; Governor has pushed proposal since 2011," Dan Boyd, Albuquerque Journal, 2/9/2016

emancipated minors or children accompanied by parents or guardians, children traveling interstate, children going to or returning from certain events or work, and children involved in emergencies. The bill included House Floor Amendment 1, which modified three of the exemptions included in the curfew ordinance. It included a child attending or returning from a school or religious function, a child going to or returning from work, and specified exemptions for children attending private school or being home-schooled.⁵¹⁰

[HB 29](#), Voted for final passage ([RCS# 62](#))

Santa Fe Reporter: The bill, the bipartisan product of House Rep. Nate Gentry, R-Albuquerque, and Carl Trujillo, D-Santa Fe, passed the House by the required two-thirds vote on Feb. 1, on the premise that it will help reduce crime in the wee hours while simultaneously setting restrictions during the school day in a state that ranks 49th in the nation in education. Gov. Susana Martinez said at the start of the session that she supports the notion. "If adopted," HB 29 reads, "the curfew may require children, subject to the provisions of the Compulsory School Attendance Law, to be present on school premises when the public, private or home school program that the child is attending is in session."⁵¹¹

Voted For Allowing Teachers to Use Up to 10 Days of Sick Leave and Any Amount of Personal Leave Without Affecting their Attendance Record or Performance Evaluation

On 2/10/2017, Herrell voted for HB 241, an Act that would allow teachers to use up to 10 days of sick leave and any amount of personal leave without affecting their attendance record. However, teachers must submit documentation from a medical provider confirming reasons for the use of sick leave, if taken for more than three consecutive days. Additionally, a teacher who is determined by a school district or charter school to be using sick leave days in a manner inconsistent with the aforementioned policies or regulations may receive the lowest score for teacher attendance on the annual performance evaluation.⁵¹²

[HB 241](#), Voted for final passage ([RCS# 155](#))

Los Alamos Monitor: The bill would stop penalizing public school teachers on their evaluations if they took more than three days of sick leave. The bill would allow teachers to take up to 10 days of sick leave without hurting their performance evaluations.⁵¹³

Voted Against Requiring Needs Assessments for Native American Students and Creating Frameworks to Improve Their Outcomes

On 02/08/2018, Herrell voted against HB 151. House Bill 151 creates new sections in the Indian Excuation Act, requiring historically-defined Indian impacted school districts and charter schools to conduct needs assessments for enrolled American Indian students, prioritize budgets based on the needs assessed of AI students, and develop systemic frameworks for improving AI student educational outcomes, which could enrichment programs, career programs, counseling, and early intervention.⁵¹⁴

[HB 151](#), Voted against final passage ([RCS# 118](#))

⁵¹⁰ [Fiscal Impact, HB 29, 2016](#)

⁵¹¹ "Curfew Could Cometh," Thomas Ragan, Santa Fe Reporter, 2/10/2016

⁵¹² [Fiscal Impact, HB 241, 2017](#)

⁵¹³ "Teacher sick leave bill vetoed," Los Alamos Monitor, 3/10/2017

⁵¹⁴ [Fiscal Impact, HB 151, 2018](#)

Gallup Independent: House Bill 151, by Rep. Derrick Lente, D-Sandia Pueblo, requires the 23 “Indian-impacted” school districts and four charter schools to assess what Native American students need to succeed in school and in the workforce. It would also require schools to prioritize budgets based on the assessment and develop programs and measure their success. Sen. Craig Brandt, R-Rio Rancho, said the governor vetoed the same bill last year because it’s an unfunded mandate. Some districts, like his, don’t receive impact aid but would have to comply with the bill’s requirements.⁵¹⁵

LIBRARIES

VOTES

Voted For Allowing State Librarian and State Historic Preservation Officer to Solicit and Receive Funds or Property to Support Programs and Activities

On 02/06/2018, Herrell voted for HB 117. House Bill 117 amends section 18-2-4 NMSA 1978 and allows the State Librarian and the State Historic Preservation Officer to solicit and receive funds or property to support their programs and activities.⁵¹⁶

[HB 117](#), Voted for final passage ([RCS# 87](#))

Silver City Sun-News: A bill to allow the New Mexico State Library and the state Historic Preservation Division to fundraise for the support of their programs and services passed the Senate Floor unanimously. House Bill 117 is sponsored by Deborah Armstrong (D-Albuquerque), and would authorize the two organizations to seek non-state funds. . . The bill would give the Historic Preservation Division and the New Mexico State Library division the same ability to raise funds to enhance their programs that museum directors around the state currently have.⁵¹⁷

EMINENT DOMAIN/CIVIL ASSET FORFEITURE

CIVIL ASSET FORFEITURE

VOTES

Was Absent for Vote On Limiting Scope of Civil Asset Forfeiture and Stopping Law Enforcement from Keeping Property or Profits Associated with Sale of Forfeited Property

On 03/17/2015, Herrell was absent for a vote on HB 560. House Bill 560 rewrites and adds new sections to the New Mexico Forfeiture Act (the Act), Sections 31-27-1-8 NMSA 1978. HB 560 amends and revises the forfeiture procedures when the State seeks to administer pecuniary punishment on a person convicted of a crime in instances where the State can also prove that property was used in or acquired from criminal activity. The bill provides greater details as to the Act’s purpose, including protection against the wrongful seizure of property, provides language to clarify when property becomes subject to forfeiture, adds the requirement that forfeiture hearings are to take place post-conviction (though property may be subject to seizure – but not forfeiture – prior to conviction where procedures are

⁵¹⁵ “Session ends on high note, no blow ups,” Sherry Robinson, Gallup Independent, 2/17/2018

⁵¹⁶ [Fiscal Impact, HB 117, 2018](#)

⁵¹⁷ “Legislative Happenings,” Silver City Sun-News, 2/14/2018

followed, provides that proceeds from the sale of forfeited property shall be deposited into the general fund, and provides that a law enforcement agency shall not retain forfeited or abandoned property.⁵¹⁸
[HB 560](#), Was absent for vote on final passage ([RCS# 5153](#))

Santa Fe New Mexican: In New Mexico, House Bill 560, sponsored by Zachary J. Cook, R-Ruidoso, would abolish civil asset forfeiture and establish procedures for innocent owners to recover their property. It would preserve criminal asset forfeiture, allowing law enforcement officials to seize property when a person has been convicted of a crime and the property was acquired through commission of the crime. But the New Mexico Department of Public Safety would no longer be able to convert forfeited and abandoned property to its use for law enforcement purposes or keep the proceeds from the public sale of forfeited property. Civil forfeiture is popular in the law enforcement community. Last November during a seminar in Santa Fe, Las Cruces City Attorney Pete Donnelly said that civil forfeiture could be a "gold mine" for authorities. "We could be czars. We could own the city. We could be in the real estate business," he said, adding that Las Cruces had collected about \$1 million from residents since instituting a civil asset forfeiture statute in 2006.⁵¹⁹

ENERGY

GREEN NEW DEAL

Said she opposed Green New Deal and New Mexico Energy Transition Act

In May 2020, Herrell said she opposed both the Green New Deal and the New Mexico Energy Transition Act in a Q&A with the Albuquerque Journal. Herrell said in response to a question about both initiatives, "I am not in favor of nor do I support either initiative. The Green New Deal would cost the average family in New Mexico \$70,000 in its first year. And the ETA will kill good-paying jobs in Southeast New Mexico while drastically reducing revenue to the state."⁵²⁰

Called Green New Deal and Energy Transition Act "radical policies"

In May 2020, Herrell discussed the Green New Deal and the New Mexico Energy Transition Act in an interview with the Albuquerque Journal. Herrell said they were both "radical policies" that would put thousands of New Mexico out of work and added, "We all have a responsibility to take care of the planet and protect the environment, but this is best done through conservation efforts and common sense rules, not excessively burdensome mandates."⁵²¹

NUCLEAR POWER

VOTES

Voted For Changing Name of Product Exempted from Gross Receipts Tax from "Enriched Uranium" to "Uranium Hexafluoride"

⁵¹⁸ [Fiscal Impact, HB 560, 2015](#)

⁵¹⁹ "Advocates hope to get bill ending civil forfeiture to governor's desk," Anne Constable, Santa Fe New Mexican, 03/20/2015

⁵²⁰ "Q&A: Congressional District 2 Yvette Herrell," Anthony Jackson, Albuquerque Journal. 5/5/2020

⁵²¹ "Feuding GOP CD2 candidates aren't far apart on issues," Scott Turner, Albuquerque Journal, 5/19/2020

On 02/02/2012, Herrell voted for HB 70. House Bill 70 proposes to amend Section 7-9-90 NMSA 1978 with a technical correction which changes the name of the product exempt from New Mexico gross receipts tax from “enriched uranium” to “uranium hexafluoride.” The business affected by this bill is the separation of uranium isotopes to produce an enriched fraction for use as nuclear reactor fuel. House Floor amendment 1 to the bill adds two paragraphs regarding accountability for taxpayers taking the gross receipts deduction for selling uranium hexafluoride and providing the service of enriching uranium hexafluoride.⁵²²

[HB 70](#), Voted for final passage ([RCS# 70](#))

Santa Fe New Mexican: Nancy King, a lobbyist for Louisiana Energy Services -- which has a uranium enrichment facility in Eunice, N.M. -- reported the company spent \$2,039 for a dinner on Feb. 5 at the Inn of the Anasazi. Attending were Sens. Stuart Ingle, R-Portales, Vernon Asbill, R-Carlsbad, Gay Kernan, R-Hobbs, and Carol Leavell, R-Jal, Reps. Don Bratton, R-Hobbs, Cathrynn Brown, R-Carlsbad, Bill Gray, R-Artesia, and Dennis Kintigh, R-Roswell, and spouses and guests. The company is seeking a technical correction in the state tax code, which would change the name of a product exempt from New Mexico gross-receipts tax from "enriched uranium" to "uranium hexafluoride." The Senate passed Senate Bill 23, sponsored by Leavell, last week on a vote of 36 to 5. Also last week, the House passed the similar House Bill 70, sponsored by Rep. Jim Trujillo, D-Santa Fe, by a vote of 62 to 6.⁵²³

OIL/GAS

VOTES

Voted For Including Deduction in Special Fuel Excise Tax for Biodiesel

On 03/13/2013, Herrell voted for SB 160. Senate Bill 160 amends section 7-16A-10 NMSA 1978 (being Laws 1992, Chapter 51, Section 10) to include a deduction in the special fuel excise tax for biodiesel. The bill defines “biodiesel” as a renewable, biodegradable, combustible liquid fuel that is derived from agricultural plant oils or animal fats and that meets the American society for testing and materials specifications for biodiesel fuel, B100 or B99 blend stock for distillate fuels. “Blended biodiesel” is defined as diesel engine fuel that contains at least 2 percent biodiesel. A House amendment to the bill stated that the taxpayer shall report the deducted amount separately with the taxpayer’s return. It also requires the Taxation and Revenue Department (TRD) to compile an annual report that includes the aggregate amount of the deduction and the number of taxpayers that received the deduction.⁵²⁴

[SB 160](#), Voted for final passage ([RCS# 4205](#))

Roswell Daily Record: The House also passed Wednesday SB160, sponsored by Sen. Stuart Ingle, R-Portales, pertaining to the definition of biodiesel. Other bills sponsored by Ingle to pass both the Senate and the House are SB138, which would repeal fruit and vegetable standard's statutes, and SB572, which involves the renovation and construction of state offices.⁵²⁵

⁵²² [Fiscal Impact, HB 70, 2012](#)

⁵²³ “Energy lobbyists entertain lawmakers,” Steve Terrell, Santa Fe New Mexican, 2/11/2012

⁵²⁴ [Fiscal Impact, SB 160, 2013](#)

⁵²⁵ “Locals’ bills pass,” Roswell Daily Record, 3/14/2013

***Voted For Distributing Revenue in Excess of an Annual Five-Year Average for the Oil and Gas
Emergency School Tax Stabilization Reserve***

On 2/28/2017, Herrell voted for HB 191, an Act that distributes revenue in excess of an annual five-year average for the oil and gas emergency school tax stabilization reserve. The taxpayer's dividend fund is also repealed, such that balances in the tax stabilization reserve may accumulate over time. The Pew Charitable Trusts, a non-partisan organization "believes this is a promising bill that contains important best practices for rainy day fund saving."⁵²⁶

[HB 191](#), Voted for final passage ([RCS# 236](#))

The Gallup Independent (New Mexico): The bill would create an oil and gas stabilization reserve to cover revenue shortfalls or budget deficits, and "gradually rebuild reserve balances by 1.6 percent." The funds would not directly affect education funding because it would flow to the general fund. The stabilization tax reserve would not reduce funding for schools nor would it change how funds were appropriated from the tax stabilization reserve. The fiscal impact reported that "due to the state's high reliance on the oil and gas industry, this bill will assume that the general fund is able to absorb distributions to the tax stabilization reserve without significant negative effects on the state budget."⁵²⁷

OTHER ISSUES

VOTES

***Was Absent for a Vote to Allow Larger Companies and Utilities to Negotiate a Reduced Rate if Certain
Qualifications Were Met***

On 2/14/2014, Herrell was absent for a vote on HB 296, an Act that would provide for economic development rates to certain customers certified by the Economic Development Department (EDD) to assist in job creation and additional investment in the state. The bill allows for an electric utility to enter into a contract with an eligible customer to provide an economic development rate that fixes a rate for no more than seven years that recovers at least the incremental cost of providing service to the customer. The bill requires the Public Regulation Commission (PRC) allow the economic development rate go into effect without a hearing no later than 30 days after the contract has been filed with the commission, unless PRC finds that there is probable cause to believe the rate may not meet the requirements as specified in the bill. If the commission determines that probable cause exists to ensure that the requirements are met, it shall, after notice and hearing, render a decision no later than 90 days after the date on which the contract was filed. If the commission does not act by that date, the contract shall go into effect. The bill defines "incremental cost" as the fuel and purchased power costs, costs recoverable from customers pursuant to the Renewable Energy Act and the Efficient Use of Energy Act, and direct costs of transmission and distribution necessary to provide service to the customer but does not include system-wide or system expansion costs that provide additional transmission or distribution capacity, system reliability, or other benefits to other customers.⁵²⁸

[HB 296](#), Was absent for final passage ([RCS# 4514](#))

⁵²⁶ [Fiscal Impact, HB 191, 2017](#)

⁵²⁷ "Deficit stabilizing bill won't impact schools," Shaquana Desiderio, The Gallup Independent, 3/8/2017

⁵²⁸ [Fiscal Impact, HB 296, 2014](#)

Las Cruces Sun-News: The bill would allow larger companies and utilities to negotiate a reduced rate. Not every company would qualify for an economic development rate. To qualify, businesses would have to construct at least a 1 Megawatt facility in New Mexico, add at least 20 full-time jobs in New Mexico with a minimum salary of \$40,000, invest \$5 million at one location and operate in New Mexico for at least 10 years, and derive at least 50 percent of sales revenues from outside the state. Liliana Castillo of Conservation Voters New Mexico said her group's main concern was that the state Public Regulations Commission would not have a say in the rates. She said, "It's taking out the protection for other ratepayers (of) the elected body that oversees the rate making of utilities. The bill states that the PRC shall allow the rate to go into effect without a hearing." She also said that the concern as that other ratepayers, individuals and smaller businesses, could be charged more.⁵²⁹

POWER/POWER PLANTS

VOTES

Voted For Exempting Electricity Used in Production and Transmission of Electricity from Compensating Tax

On 02/02/2012, Herrell voted for HB 116. House Bill 116 amends Section 7-9-38 NMSA 1978. This law provides an exemption from the compensating tax for electricity used in the production and transmission of electricity and expands it to include transmission using voltage source conversion technology. It also expands the deduction to the gross receipts tax (GRT) for receipts 1) from the transmission of electricity where voltage source conversion technology is employed to provide such services and from ancillary services and 2) from operating a market or exchange for the sale or trading of electricity, rights to electricity and derivative products and from providing ancillary services. The purpose of the first deduction is to encourage development of electrical transmission capacity and the second is to provide an incentive for an electricity exchange to be located in New Mexico and to encourage ancillary services and related businesses that are necessary to support that exchange.⁵³⁰

[HB 116](#), Voted for final passage ([RCS# 3438](#))

Albuquerque Journal: The governor's tax credit to business owners who hire Iraq and Afghanistan veterans (HB10/154) passed the House and was pending in the Senate. Tax incentives for the Tres Amigas SuperStation, linking the nation's three major electrical grids (HB116), passed the House and was pending in the Senate.⁵³¹

RENEWABLE/GREEN ENERGY

VOTES

Voted For Clarifying the Jurisdiction of the Public Regulation Commission and Creating a Multi-Year, Statewide Renewable Energy Transmission Authority Development Fund

On 2/25/2013, Herrell voted for HB 242, an Act that would clarify the jurisdiction of the Public Regulation Commission (PRC) over project acquired or financed by the Renewable Energy Transmission

⁵²⁹ "Utility rate bill awaits NM Senate action," Brook Stockberger, Las Cruces Sun-News, 2/18/2014

⁵³⁰ [Fiscal Impact, HB 116, 2012](#)

⁵³¹ "2012 LEGISLATURE; The Clock Winds Down," Deborah Baker, Albuquerque Journal, 2/12/2012

Authority (a quasi-governmental agency), to create the Renewable Energy Transmission Authority Development Fund, and to clarify the use of eminent domain. An amendment to the bill limits the uses of the money appropriated to the Renewable Energy Transmission Authority Development Fund for the purposes of developing a multi-year, statewide transmission upgrade program, including the identification of priority corridors for development by 2017.⁵³²

[HB 242](#), Voted for final passage ([RCS# 3872](#))

SNL Power Daily with Market Report: The bill would create a fund for a multiyear, statewide transmission upgrade program to connect renewables. However, the bill had no funding component and the panel “considering a companion bill to put money in the fund is likely to table that measure.”⁵³³

Voted For Extending Solar Market Development Tax Credit for Residential and Small Businesses

On 03/03/2015, Herrell voted for HB 296. House Bill 296 extends the solar market development tax credit for residential and small business solar thermal and photovoltaic systems by allowing leased systems access to the credit. This conforms the state solar credit to the federal credit which allows the federal credit for leased systems.⁵³⁴

[HB 296](#), Voted for final passage ([RCS# 4945](#))

Cibola County Beacon: Let the sun shine: The House voted 63-0 Tuesday to pass a bill that would expand solar power tax credits. House Bill 296, sponsored by Rep. Sarah Maestas Barnes, R-Albuquerque, would expand the current credits to include the leasing of a solar power system. Currently, a tax credit is only allowed for purchasing, not leasing, a solar panel system. "This tax credit extends the availability of solar technology and promotes the use of clean energy to all New Mexicans," Maestas Barnes said in a news release. "I am excited to have bipartisan support on this important bill, and I hope the Senate gives it full consideration." If passed by the Senate and signed into law by the governor, the bill wouldn't apply to installations completed after Dec. 31, 2016.⁵³⁵

Voted For Reducing Renewable Portfolio Standard by Eliminating Requirement for Renewable Energy to Comprise at Least 20 Percent of Public Utility Total Retail by 2020

On 03/12/2015, Herrell voted for HB 445. House Bill 445 amends Section 62-16-4 NMSA 1978 to reduce the renewable portfolio standards by eliminating the requirement for renewable energy to comprise at least 20 percent of each public utility's total retail sales by January 1, 2020, leaving future requirements at the current mandate of 15 percent from renewable sources.⁵³⁶

[HB 445](#), Voted for final passage ([RCS# 5084](#))

SNL Power Daily: The New Mexico House has passed a bill to roll back the state's renewable portfolio standard, but chances are slim the measure will pass the Democrat-dominated state Senate in the legislature's final week. H.B. 445 would amend the Renewable Energy Act to eliminate New Mexico's requirement that investor-owned utilities supply 20% of their electricity

⁵³² [Fiscal Impact, HB 242, 2013](#)

⁵³³ "NM role in major transmission projects hangs by budgetary thread," Jeff Stanfield, SNL Power Daily with Market Report, 3/6/2013

⁵³⁴ [Fiscal impact, HB 296, 2015](#)

⁵³⁵ "Legislative roundup, March 4, 2015," Cibola County Beacon, 3/6/2015

⁵³⁶ [Fiscal Impact, HB 445, 2015](#)

from renewable energy by 2020. The act, passed in 2004, required 10% of the power consumed in the state by generated by renewable energy resources in 2010, 15% by 2015 and 20% by 2020. H.B. 445 would only apply to the future 2020 requirement, leaving the current mandate of 15% in place. Days after H.B. 445 was introduced Feb. 16, the New Mexico Energy, Minerals and Natural Resources Department on Feb. 20 released a study on the state renewable energy production tax credit that "clearly shows that renewable energy projects bring economic benefits to the state of New Mexico in the form of revenue, employment, and emissions reductions," wrote the department's Cabinet Secretary David Martin of Gov. Susana Martinez's administration. The study found that the construction and operation of facilities that qualified for the tax credit produced \$434 million in labor income and an "employment impact" of more than 9,000 jobs (or on average about 900 annually) for the time period of 2003 through 2012. Their economic value was estimated at \$597 million over the same period, with 80% of those impacts related to wind energy facilities, the report said. A monetary value of \$403.9 million was estimated for pollution reduction in the study period.⁵³⁷

ENVIRONMENT

CONSERVATION

Said that businesses that rely on natural resources would be the best stewards of the environment

In September 2018, Herrell opined that environmental concerns should be addressed with market-based solutions derived from businesses that rely on natural resources. Herrell noted that hydraulic fracturing was essential to the oil and gas industry's growth.⁵³⁸

But we do have to be careful and I think that when you look at the bigger picture, the people that rely mostly on the land in terms of water or natural resources, especially to have a growing business like a gas and oil business, these are the people who are the best stewards.⁵³⁹

Claimed agriculture, oil and gas industries were "best stewards of our land"

In April 2020, Herrell claimed during a candidate forum that the agriculture, oil and gas industries were "the best stewards of our land." According to a DCCC tracking report, she said New Mexicans needed to "fight against the radical left" and side with agriculture, oil and gas companies on issues of conservation and environmentalism.⁵⁴⁰

Claimed oil and gas industry was "very mindful of the environment"

In April 2020, a DCCC tracking report stated that Herrell defended the oil and gas industry's approach to environmental issues during an appearance on the Rural Route podcast. Herrell said that "oil and gas are very mindful of the environment," adding that "technology in oil and gas lessens the amount of emissions – they are very clean and they put into practice good technology."⁵⁴¹

⁵³⁷ "New Mexico House passes RPS rollback bill, but Senate approval unlikely," SNL Power Daily with Market Report, 3/17/2015

⁵³⁸ "Herrell addresses rural needs; Congressional candidate emphasizes family values and limited government," Adrian Hedden, Carlsbad Current-Argus, 9/6/2018

⁵³⁹ "Herrell addresses rural needs; Congressional candidate emphasizes family values and limited government," Adrian Hedden, Carlsbad Current-Argus, 9/6/2018

⁵⁴⁰ "Candidate Forum with Chris Mathys," DCCC, 4/25/2020

⁵⁴¹ "Radio Interview: Rural Route Radio with Yvette Herrell," DCCC, 4/30/2020

ENDANGERED SPECIES ACT

Discussed Endangered Species Act during podcast appearance

In April 2020, a DCCC tracking report stated that Herrell discussed the Endangered Species Act during an appearance on the Rural Route podcast. Herrell blamed the legislation for hurting business in New Mexico, saying, “Because of the spotted owl back in the 70s, we lost our entire timber industry.” She said it was an example of “giving environmentalists the ability to make decisions” regarding the state’s conservation processes.⁵⁴²

GLOBAL WARMING

Discussed position on climate change in Q&A

In May 2020, Herrell discussed her position on climate change and the environment in a Q&A with the Albuquerque Journal. Herrell said, “Radical environmental policies that unnecessarily damage our economy must be rejected. We all have a responsibility to take care of the planet and protect the environment, but this is best done through conservation efforts and common sense rules, not excessively burdensome mandates.”⁵⁴³

LOGGING/FORESTS

Said forest in district needed better management

In April 2020, a DCCC tracking report stated that Herrell discussed New Mexico’s forests during an appearance on the Rural Route podcast. Herrell said that the forest on the reservation within the 2nd congressional district was “in amazing shape. . . because they have done it right.” Herrell contrasted the reservation’s forest with the Lincoln National Forest, which she called “nothing” and “a shame.” Herrell said that the sovereign nature of the reservation helped them preserve their land and agreed that a lack of adherence to federal regulations was beneficial for the forest.⁵⁴⁴

OTHER ISSUES

VOTES

Voted Against Urging Agencies to Recycle and Seek Markets for Recycled Products

On 3/6/2013, Herrell voted against HB 551, an Act that would require the Department of Finance and Administration to report the performance of each state agency in its recycling efforts in a performance report card. The report card shall measure an agency’s efforts to recycle paper, cardboard, food waste and other recyclable materials, where there is a market. The report card shall also show the agency’s savings from recycling.⁵⁴⁵

[HB 551](#), Voted against final passage ([RCS# 4024](#))

Las Cruces Sun-News: The bill urged state agencies to recycle and to seek markets for recycled products. The bill would also require state agencies to provide yearly reports to the Legislature on their recycling cost savings for paper, cardboard, motor oil and even food waste. State

⁵⁴² “Radio Interview: Rural Route Radio with Yvette Herrell,” DCCC, 4/30/2020

⁵⁴³ “Q&A: Congressional District 2 Yvette Herrell,” Anthony Jackson, Albuquerque Journal. 5/5/2020

⁵⁴⁴ “Radio Interview: Rural Route Radio with Yvette Herrell,” DCCC, 4/30/2020

⁵⁴⁵ [Fiscal Impact, HB 551, 2013](#)

prisons “stand to benefit the most from this legislation “by recycling their food waste. A Florida study showed that 31 percent of correctional facilities’ waste was food.⁵⁴⁶

Voted For the Creation of Legislation Creating the Manhattan Project National Historical Park

On 2/11/2014, Herrell voted for HJM 18, a Memorial that urged the United States Congress to pass legislation creating the Manhattan Project National Historical Park.⁵⁴⁷

[HJM 18](#), Voted for final passage ([RCS# 4447](#))

Los Alamos Monitor: The Memorial would create the Manhattan Project National Historic Park. Sponsor Garcia Richard said, “With support from our federal delegation, I am sponsoring a memorial to urge Congress to create the Manhattan Project National Historic Park in our district.”⁵⁴⁸

PUBLIC LANDS

Said state and county governments should take larger role in public land management

In May 2019, Herrell discussed public lands at a campaign stop in Roswell. Herrell said that while she did not support privatizing or selling federal public lands, she believed that state and county governments should take a larger role in their management. Herrell said, “I think that people who live closest to the lands live off the land and utilize them most frequently.” She added that states could cover the costs of managing lands by keeping certain money from state royalties.⁵⁴⁹

SUPERFUND/OTHER CLEANUP

VOTES

Voted For Creating Carlsbad Brine Well Remediation Authority to Manage Cleanup of Carlsbad Brine Well

On 02/12/2018, Herrell voted for HB 319. House Bill 319 amends the powers and duties of the Carlsbad Brine Well Remediation Authority (the “Authority”), including granting the power of eminent domain; administratively attaches the Authority to EMNRD; makes the EMNRD secretary the chair of the Authority; requires the Authority to report to the interim Radioactive and Hazardous Materials Committee and the Legislative Finance Committee by November 15 of each year on the status of the Carlsbad brine well remediation; and declares an emergency.⁵⁵⁰

[HB 319](#), Voted for final passage ([RCS# 201](#))

New Mexico In Depth: The state budget that passed both chambers Wednesday night includes more than \$30 million for a cleanup of the cavity, which threatens the lives of a nearby mobile home park inhabitants and crucial infrastructure. A related 'dummy' bill—HB319, introduced by Rep. Nate Gentry—would create an eight-member authority to manage the cleanup looked dead Thursday morning.⁵⁵¹

⁵⁴⁶ “Legislative roundup, March 6, 2013,” The New Mexican, Las Cruces Sun-News, 3/6/2013

⁵⁴⁷ [Fiscal Impact, HJM 18, 2014](#)

⁵⁴⁸ “Legislature winds down,” Los Alamos Monitor, 2/19/2014

⁵⁴⁹ “Yvette Herrell back on the campaign trail,” Alex Ross, Roswell Daily Record, 5/24/2019

⁵⁵⁰ [Fiscal Impact, HB 319, 2018](#)

⁵⁵¹ “Legislative leader says dummy bills from now on are emergency bills,” Danielle Prokop, New Mexico In Depth, 2/16/2018

WATER/SAFE DRINKING WATER ACT

Attended meeting discussing local water use

In July 2019, Herrell attended a meeting in Duncan, Arizona, at which locals and officials discussed concerns and legal issues facing local water use. In a speech, Herrell criticized the Bureau of Land Management and the U.S. Fish and Wildlife Service for their policies. Herrell specifically criticized policies that impacted the oil and gas industry and the water permitting process for businesses and corporations.⁵⁵²

Attended meeting discussing fight over water rights in New Mexico and Arizona

In February 2020, Herrell attended a meeting in Duncan, Arizona, during which locals and officials disputed who should have access to and control over the water in the Gila River. A member of Trump's Arizona campaign staff also attended.⁵⁵³

VOTES

Voted Against Requiring Landowners that Sell Off Irrigation Rights Get State Permits and Acquire New Water Rights before Subdividing Property and Drilling Domestic Water Wells

On 03/14/2013, Herrell voted against SB 479. Senate Bill 479 adds a new section of Chapter 3 (Municipalities), Article 20 (Subdivisions) NMSA 1978 that requires that before approving the final plat for a subdivision of land from which the water rights attached to the land have been severed, the subdivider must provide proof of a service commitment from a water provider and an opinion from the state engineer that the subdivider can fulfill the requirements of Paragraph (1) of Subsection F of Section 47-6-11 NMSA 1978 or acquire sufficient water rights through a permit issued pursuant to Section 72-5-1, 72-5-23, 72-5-24, 72-12-3 or 72-12-7 NMSA 1978. The state engineer shall determine whether the amount of water permitted is sufficient in quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses. A final plat shall not be approved unless the state engineer has so issued a permit for the subdivision water use or the subdivider has provided proof of a service commitment from a water provider and the state engineer has provided an opinion that the subdivider can fulfill the requirements. A Senate floor amendment clarified "subdivision of land from which the water rights attached to the land have been severed" meant in the bill.⁵⁵⁴

[SB 479](#), Voted against final passage ([RCS# 479](#))

Las Cruces Sun-News: No double dipping: In bipartisan votes, two Senate bills intended to prevent developers from double dipping from New Mexico's limited water supplies passed both the House and Senate. Senate Bill 479 would prevent landowners who sell off irrigation rights from their property from later subdividing the property and getting state permits to drill domestic water wells without acquiring new water rights. To obtain final plat approval for the subdivided property, the landowner would first have to provide proof of transferred water rights or an agreement to hook into a community water system. The other option would be for

⁵⁵² "A plea to political hopefuls at Duncan water meeting," Ken Showers, Eastern Arizona Courier, 7/28/2019

⁵⁵³ "Duncan residents seek support, direction in fight over water rights," Ken Showers, Eastern Arizona Courier, 2/19/2020

⁵⁵⁴ [Fiscal Impact, SB 479, 2013](#)

the landowner to keep enough irrigation water rights to supply water to the subdivision. The bill carries an emergency clause and would take effect immediately if it is signed by the governor.⁵⁵⁵

Voted Against Mandating County Commissioners to Require Copy of Water Use Permit or Proof of Service Commitment from Water Providers for Subdividers

On 03/14/2013, Herrell voted against SB 480. Senate Bill 480 mandates that board of county commissioners require subdividers provide a copy of a permit obtained from the state engineer for the subdivision water use or provide proof of a service commitment from a water provider and an opinion from the state engineer that the subdivider can fulfill the requirements of Paragraph (1) of Subsection F of Section 47-6-11 NMSA 1978. On page 1, line 21 and 22, the bill defines the number of parcels (10 or more) and size of parcels (any 1 parcel 2 acres or less) that are covered by this proposed statute. This Section instructs the board of county commissioners to not approve an application based on the use of water from any permit issued pursuant to Section 72-12-1.1 NMSA 1978 (domestic wells). Finally, this section also deletes the existing section 47-6-11.2.B which states that after July 1, 1997, the board of county commissioners may require that the subdividers to provide a copy of a permit obtained from the state engineer for the subdivision water use.⁵⁵⁶

[SB 480](#), Voted against final passage ([RCS# 4241](#))

Las Cruces Sun-News: SB 480 would require developers to provide proof of adequate water supplies for subdivisions of 10 parcels or more, with any single parcel size 2 acres or less, before county commissioners would approve final plats. Developers would have to provide a copy of a permit from the state engineer or an agreement with a community water system to provide service. The state engineer would have to say whether or not the water supplies were adequate.⁵⁵⁷

Voted For Giving Water Quality Control Commission Authority to Set Time and Location of Public Hearings

On 02/16/2015, Herrell voted for HB 87. House Bill 87 will amend Section 74-6-6 NMSA 1978, Subsection C, to give the Water Quality Control Commission (WQCC) authority to set the time and location of public hearings related to the adoption of regulations and water quality standards. HB 87 includes an emergency clause.⁵⁵⁸

[HB 87](#), Voted for final passage ([RCS# 4791](#))

Roswell Daily Record: House Bill 87, introduced by Ezzell, would allow the Water Quality Control Commission to set the time and place of hearings, removing the current requirement for the commission to hold hearings of statewide application in Santa Fe. The bill was adopted by the House Feb. 16 by a 43-21 vote.⁵⁵⁹

Voted For Creating The Carlsbad Brine Well Remediation Advisory Authority and Brine Well Remediation Fund

⁵⁵⁵ "Roundhouse roundup, March 14, 2013," Las Cruces Sun-News, 3/14/2013

⁵⁵⁶ [Fiscal Impact, SB 480, 2013](#)

⁵⁵⁷ "Roundhouse roundup, March 14, 2013," Las Cruces Sun-News, 3/14/2013

⁵⁵⁸ [Fiscal Impact, HB 87, 2015](#)

⁵⁵⁹ "House, Senate leaders spar over bill process," Roswell Daily Record, 3/3/2015

On 2/15/2017, Herrell voted for HB 29, an Act creating the Carlsbad brine well remediation advisory authority with a board of directors that includes the mayor of Carlsbad, the chair of the Eddy County Commission, the secretary of the Energy, Minerals and Natural Resources Department (EMNRD), the secretary of the Department of Environment (NMED), the secretary of the New Mexico Department of Transportation (NMDOT), the manager of the Carlsbad Irrigation District, and the New Mexico attorney general. The bill includes a sunset date of July 1, 2030 and creates the Carlsbad brine well remediation fund to be used by EMNRD to remediate the brine well.⁵⁶⁰

[HB29](#), Voted for final passage ([RCS# 122](#))

Carlsbad Current-Argus: The bill would set up the authority and fund a governing body to oversee and study the remediation of the I&W Brine Well on the south side of Carlsbad, which at the time, officials were worried that a potential collapse could cost billions in damage to local infrastructure and the economy.⁵⁶¹

FINANCIAL ISSUES

BANK REGULATIONS

VOTES

Voted For Allowing N.M. Municipalities to Sell Bonds via Negotiated Sales in Addition to the Process of Competitive Sales Which Allowed Cities to Sell Bonds to Community Banks for Public Projects

On 3/6/2013, Herrell voted for HB 503, an Act that amended the statutes pertaining to the finances of counties, municipalities and other school districts to allow that municipal bonds may be offered and sold at a negotiated sale on terms determined by the municipal corporation. The law at the time defined municipal corporations as counties, school districts, cities, towns and villages, and requires these entities to sell bonds at public sale. An amendment required that when bonds were sold at a negotiated sale, the terms of the bonds and comparable sale results for similar bonds must be presented at a public meeting of the governing body of the municipal corporation. The amendment also defined “negotiated sale” as a sale of the bonds to investors by a bond underwriter or a private placement of the bonds with a bank, financial institution, state instrumentality or other person, with interest rates, maturity dates and other terms that are satisfactory to the municipal corporation.⁵⁶²

[HB 503](#), Voted for final passage ([RCS# 4029](#))

Las Cruces Sun-News: The bill would allow New Mexico municipalities to sell bonds via negotiated sales in addition to the process of competitive sales. The proposal would allow cities to sell bonds to multiple, small community banks to finance public projects. The sponsor, House Majority Whip Moe Maestas (D), said his bill would provide an economic boost to New Mexico’s community banks by keeping much-needed financial capital in the state and could greatly reduce the cost of borrowing for municipalities.⁵⁶³

⁵⁶⁰ [Fiscal Impact, HB 29, 2017](#)

⁵⁶¹ “County could help fund well repairs; Legislation proposed to help destabilize deterioration,” Adrian C. Hedden, Carlsbad Current-Argus, 3/3/2017

⁵⁶² [Fiscal Impact, HB 503, 2013](#)

⁵⁶³ “Legislative roundup, March 6, 2013,” The New Mexican, Las Cruces Sun-News, 3/6/2013

OTHER ISSUES

VOTES

Voted For the Creation of the Superintendent of Insurance and an Independent, Bipartisan Committee that would Help Insulate Insurance Regulation from Political Interference

On 2/25/2013, Herrell voted for HB 45, an Act that would establish the Office of Superintendent of Insurance as a standalone agency. The bill establishes a nine-member insurance nominating committee to appoint the superintendent of insurance. The committee will consist of four members appointed by the legislative council – no more than two from the same political party – two from the insurance industry and two representing insurance consumers. The committee would have four members appointed by the governor – no more than two from the same political party – two from the insurance industry, and two representing insurance consumers. Finally, the ninth member would be selected by the other eight, who shall be either a former New Mexico Superintendent of Insurance or another person with extensive knowledge of insurance regulation in New Mexico.⁵⁶⁴

[HB 45](#), Voted for final passage ([RCS# 3866](#))

Deming Headlight: The bill created the new Office of the Superintendent of Insurance as well as the independent, bipartisan committee that would help insulate the regulation of insurance from political interference and would appoint future Superintendents of Insurance.⁵⁶⁵

Voted For Regulating Pay-Day Loans at a Rate of 175 Percent

On 3/11/2017, Herrell voted for HB 347, an Act that amended the New Mexico Small Loan Act and the New Mexico Bank Installment Loan Act limiting fees and charges for certain installment loans and providing for reporting to credit agencies.⁵⁶⁶

[HB 347](#), Voted for final passage ([RCS# 412](#))

Silver City Daily Press & Independent: The bill would regulate what some called “predatory loans.” Consumer advocates said a triple interest rate would still be predatory, some groups saw the bill as a significant improvement over the status quo, in which annual rates could be as high as 9,000 percent on some loans. Industry lobbyists contend that placing the cap any lower would make it difficult for companies to offer loans to people who were high risks and left poor people without access to emergency cash.⁵⁶⁷

PENSIONS/RETIREMENT

VOTES

Voted Against Increasing Amount State Workers and Teachers Must Pay into Pension for At Least One Year

⁵⁶⁴ [Fiscal Impact, HB CS 45, 2013](#)

⁵⁶⁵ “Finishing touches on PRC reform,” Fred Nathan, Deming Headlight, 3/3/2013

⁵⁶⁶ [Fiscal Impact, HB CS CS 347, 2017](#)

⁵⁶⁷ “Legislative Roundup,” The New Mexican, Silver City Daily Press & Independent, 3/10/2017

On 03/07/2011, Herrell voted against HB 628. House Bill 628 makes three primary changes for pension contributions for state employee plans administered by the Public Employees Retirement Association (PERA) and the Educational Retirement Board (ERB). It extends the two-year 1.5 percent contribution shift implemented for FY10 and FY11 from the employer to the employee for those employees making more than \$20,000 another two years, makes a one-year contribution shift of 1.75 percent from the employer rate to the employee rate for those making more than \$20,000, and delays the two remaining 0.75 percent increases for ERB, currently scheduled for FY12 and FY13, to FY14 and FY15.⁵⁶⁸
[HB 628](#), Voted against final passage ([RCS# 628](#))

Albuquerque Journal: The New Mexico Senate approved late Tuesday a plan that would make state workers and teachers pay more into their pensions for at least one year, the first step in a budget debate that was expected to last until the early hours of this morning. . . The retirement measure, House Bill 628, was approved by a 29-12 vote. The bill moved back to the House, where members will vote on whether to accept several technical changes. However, some senators argued against the budgetbalancing measure by saying the state should look at tax increases or eliminating tax credits, not target public employees. "There are lots of ways we could have found \$110 million beside tapping the veins of the state employees and teachers of this state," said Sen. Gerald Ortiz y Pino, D-Albuquerque.⁵⁶⁹

Voted For Raising Retirement Age for Public Employees with Less than Five Years' Service, Excluding Public Safety Officers, Legislators and Judicial or Magistrate Employees

On 03/15/2015, Herrell voted for HB 644. House Bill 644 amends the Public Employees Retirement Act and the Educational Retirement Act by increasing the age and service requirements for certain non-vested employees and reducing the cost-of-living adjustment (COLA) for all non-vested PERA-qualified pension recipients. Specifically, new eligibility requirements would apply to non-vested employees under the following plans: State General Plan 3: minimum age of 55 with age and service equal to 80; Municipal General Plans 1-4: minimum age of 55 with age and service equal to 80; and Educational Retirement Act: Tier 1b - non-vested members that entered ERB prior to June 30, 2010: minimum age of 55, Rule of 75; and Tier 2 members – non-vested members who entered ERB after June 30, 2010: minimum age of 55 with age and service equal to 80. The bill exempts uniform employees, peace officers, legislative members, and judicial and magistrate plan members. The new age requirement does not apply to vested members in any plan, as defined by having five or more years of service credit on or before July 1, 2011 for the PERA plans and before July 1, 2011 for ERB. The dates are based on how each plan recognizes service credit. Also, the bill does not affect retirees. House Bill 644/HAFCS reduces the COLA for all non-vested PERA employees from the automatic 3% beginning two calendar years after retirement to one based on 0.75% of the CPI starting at age 65 with a one-calendar-year retirement requirement. The COLA has a floor of 0% and a cap of 3%. The bill also included a House Floor Amendment that specified which public employees were classified as uniformed employees.⁵⁷⁰

HB 644, Voted for final passage ([RCS# 3145](#))

Santa Fe New Mexican (editorial): It was done with the best of intentions -- but the state-worker pension reform bill passed by the House of Representatives on Tuesday was badly

⁵⁶⁸ [Fiscal Impact, HB 628, 2011](#)

⁵⁶⁹ "Senate OKs Hike In Pension Rates; Public Employees To Contribute More," Dan Boyd, Albuquerque Journal, 3/16/2011

⁵⁷⁰ [Fiscal Impact, HB 644, 2011](#)

executed, so its only saving grace is that, with only two days left in the New Mexico Legislature's 2011 session, it isn't likely to get to Gov. Susana Martinez's desk. HB 644 was the work of Democratic Rep. Mimi Stewart of Albuquerque, not that of a predictable Republican. It would raise the age for pensions from the Public Employees Retirement Association and the Educational Retirement Board to 55. That's hardly an outrageous retirement age, considering that most American workers have to stay on the job past 65, and soon might be looking at 70. By contrast, a state employee who goes to work right out of high school can begin collecting PERA checks at 43. . . . Police officers and firefighters, fairly enough, considering the danger and stress of their work, would be exempt from the bill's effects. The bill would apply only to workers with less than five years' service -- whose retirement rights haven't vested. For that reason, Stewart and the majority voters -- a mixed bag of Democrats and Republicans -- figure it's lawsuit-proof. . . . Legality aside, we think the bill goes against basic fairness; raise the retirement age -- please! -- but apply the new deal to new hires; don't change the rules on folks for whom the pension deal might have been an incentive for public-sector employment. Despite union claims that they'd help find other ways of shoring up the pension funds, Stewart made a strong case for the urgency of her retirement reform; thus the House's decision to reconsider her bill after it had been shot down on Sunday by a 38-28 vote. To the union, the proceedings looked as if they'd been rigged so the revived bill got a floor vote instead of going back through committees. To us, it also looks like legislative legerdemain; a sneakiness that casts a bad light on the lawmaking process.⁵⁷¹

FOOD SAFETY AND REGULATION

ALCOHOL

VOTES

Voted For Allowing Beer and Wine Delivery Licenses for Restaurant and Food Delivery Company

On 03/19/2015, Herrell voted for SB 503. Senate Bill 503 creates beer and wine delivery licenses for issuance to a restaurant or a food delivery company. To allow the issuance of beer and wine delivery licenses, each local option district would be required to hold an election and the measure would have to be approved by a majority of qualified voters. The delivery of beer or wine would be in conjunction with the delivery of prepared foods. The amount permitted to be delivered to an adult buyer with prepared foods is two six-packs of beer and two bottles of wine. Senate Bill 503 also requires that the primary source of revenue from the operation of the restaurant or the delivery company be derived from meals. Renewal is conditioned upon at least 70 percent of gross receipts from the preceding twelve months being derived from the sale of meals. License holders are required to provide an annual report indicating the annual gross receipts from the sale of ready-to-eat foods and from the sale of beer or wine and that prepared ready-to eat meals were of a minimum restaurant menu value of \$20. Sales of beer and wine authorized by the bill shall cease at the time meals sales and delivery services cease or at 10:00 pm whichever is earlier and at 9:00 pm on Sundays in local option districts that allow Sunday sales.⁵⁷²

[SB 503](#), Voted for final passage ([RCS# 5221](#))

⁵⁷¹ "EDITORIAL: State-pension reform overdue -- if it's done right," Santa Fe New Mexican, 3/17/2011

⁵⁷² [Fiscal Impact, SB 503, 2015](#)

Albuquerque Journal: But there was a flurry of Roundhouse activity, with lawmakers sending a measure to the governor's desk that would allow for beer and wine to be delivered with food orders to homes and hotel rooms. The House voted 48-18 in favor of the proposal, which would allow for only a limited amount of wine and beer - no more than two six-packs of beer - to be delivered and would require alcohol server training for those delivering the booze. Backers said the measure, Senate Bill 503, could bolster the state's tourism industry, while also possibly reducing drunken driving incidents. "It seems kind of weird at first, but it's a good public policy," said Rep. Antonio "Moe" Maestas, D-Albuquerque, during Thursday's debate.⁵⁷³

SAFETY

VOTES

Was Absent for Vote On Repealing Fruit and Vegetable Standards Act

On 03/11/2013, Herrell was absent for the vote on SB 138. Senate Bill 138 would repeal the Fruit and Vegetable Standards Act (Section 76-15-1 through 76-15-9 NMSA 1978), which has been replaced, in effect, by the Produce Marketing Act (Section 76-15-10 through 76-15-22).⁵⁷⁴

[SB 138](#), Was absent for vote on final passage [\(RCS# 4134\)](#)

Roswell Daily Record: The House also passed Wednesday SB160, sponsored by Sen. Stuart Ingle, R-Portales, pertaining to the definition of biodiesel. Other bills sponsored by Ingle to pass both the Senate and the House are SB138, which would repeal fruit and vegetable standard's statutes, and SB572, which involves the renovation and construction of state offices.⁵⁷⁵

FOREIGN RELATIONS/AFFAIRS

HUMAN TRAFFICKING

VOTES

Voted For Requiring Businesses and Highway Rest Areas to Post Signs Featuring the Toll-Free Number of the National Human Trafficking Resource Center Hotline

On 2/26/2013, Herrell voted for HB 195, an Act that would create a requirement that an employer subject to the Minimum Wage Act, a person licensed pursuant to the Liquor Control Act, a health facility licensed pursuant to the Public Health Act, and a state or local government agency that manages a transportation facility including a highway rest area post signs, in English and in Spanish, regarding human trafficking. The sign shall read: "Notice on Human Trafficking: Obtaining Forced Labor or Services is a Crime Under New Mexico and Federal Law. If You or Someone You Know Is a Victim of This Crime, Call the National Human Trafficking Resource Center Hotline toll-Free at 1-888-3737888 For Help. You May Remain Anonymous and Your Call is Confidential." The size of the sign is specified and is

⁵⁷³ "New gambling compact approved; 22-year deal would allow more casinos, longer hours, other perks," Dan Boyd, Albuquerque Journal, 3/20/2015

⁵⁷⁴ [Fiscal Impact, SB 138, 2013](#)

⁵⁷⁵ "Locals' bills pass," Roswell Daily Record, 3/14/2013

required to be posted conspicuously and in clear view of the public. The English and Spanish portions of the sign are to be of equal size. The agencies affected: The Department of Workforce Solutions (DWS), the Department of Regulation and Licensing.⁵⁷⁶

[HB 195](#), Voted for final passage ([RCS# 3888](#))

Cibola County Beacon: The bill would require businesses and highway rest areas to post signs featuring the toll-free number of the National Human Trafficking Resource Center Hotline to report cases of forced prostitution and other human trafficking.⁵⁷⁷

GOP SOCIAL ISSUES (FAITH/FAMILY)

RELIGION

Discussed importance of religion at state Republican pre-primary convention

In March 2020, Herrell spoke about the importance of religion at the New Mexico Republican Party Pre-Primary Convention. In a speech, Herrell said, “We must put God back in the conversation. We have taken God out of schools ... and the left has pushed God out of our businesses, out of our government, out of our homes and if we're not careful, out of our churches.”⁵⁷⁸

GOVERNMENT REFORM

ETHICS

VOTES

Voted Against Appointing the Legislative Council Service as Custodian of Legislative Records Making it Easier for Lawmakers to Hide Correspondences and other Documents

On 3/10/2013, Herrell voted against HCR 1, a Resolution that would propose a new joint rule be adopted by the Legislature placing the Legislative Council Service (LCS) at the nexus of all efforts of receiving and responding to Inspection of Public Record Act (IPRA) requests. The proposed joint rule establishes the directors of the Legislative Education Study Committee (LESC), the Legislative Finance Committee (LFC), the chief clerks of the House and Senate, and the employees of the House and Senate shall cooperate with the LCS to ensure that IPRA requests are fulfilled in compliance with the IPRA statute and adhere to the practices of the LCS regarding the disclosure of information. Finally, the proposed joint rule provides that members of the House and Senate exercise authority collectively and not through the actions of individual members and establishes that sessions of the House and Senate and their committees shall be public and can be webcast pursuant to House and Senate Rules. The joint rule states that the privileges and immunities afforded by Article 4, Section 13 of the constitution of New Mexico apply to information possessed by a legislator, legislative aide, or employee.⁵⁷⁹

[HCR 1](#), Voted against final passage ([RCS# 4100](#))

⁵⁷⁶ [Fiscal Impact, HB 195, 2013](#)

⁵⁷⁷ “Legislative Update: Measures on prostitution see widespread support,” Steve Terrell, Cibola County Beacon, 3/5/2013

⁵⁷⁸ “Party insiders make picks at pre-primary conventions,” Michael Gerstein, The Santa Fe New Mexican, 3/8/2020

⁵⁷⁹ [Fiscal Impact Report, HCR 1, 2013](#)

Las Cruces Sun-News: The bill would formally appoint the Legislative Council Service as the custodian of records for the purpose of responding to IPRA requests, something already in practice. The bill was called the “email shield bill,” and “insiders say could allow emails to lawmakers and other documents to remain secret.” An analysis by Deputy Attorney General Betsy Glenn said the rule would not circumvent public-records laws that had been on the books since 1994. The “key paragraph,” stated that members of the Legislature “exercise authority collectively and not through the actions of individual members,” and claimed “the privileges and immunities afforded by” the state constitution. The “means if a legislator wants to keep a piece of correspondence or a memo hidden, he or she calls it “privileged.”⁵⁸⁰

Lawyers for both the attorney general and the New Mexico Foundation for Open Government called the proposal’s reasoning flawed, And Director Gwyneth Doland said that at this point in the session, the measure was “a weird maneuver,” and that concurrent resolutions were rare at the Roundhouse and “this one presents serious challenges to New Mexico’s strong stance on accessibility to records. This is coming up because political warfare has become much nastier lately and the opposing political forces have tried to use IPRA against each other. But this is the exception, not the rule. Sunshine law is there to provide every New Mexican a window of transparency into government, and that window applies to everyone equally.”⁵⁸¹

CONSTITUTIONAL CONVENTION

Said she was “huge supporter” of movement to call a Constitutional convention

In January 2020, Herrell said she was a “huge supporter” of the movement to force Congress to call an Article V constitutional convention, which would focus on imposing fiscal restraints on the federal government, limiting its power, and imposing term limits on members of Congress.⁵⁸²

LAWMAKER PAY

VOTES

Voted Against Giving 10 Percent Pay Raises to Governor and Other Elected Officials

On 02/13/2018, Herrell voted against SB 176. Senate Bill 176 amends Sections 8-1-1 and 8-3-3 NMSA 1978 to provide a ten percent compensation increase for elected officials for new terms beginning on or after January 1, 2019. The funding would be for half of FY19.⁵⁸³

[SB 176](#), Voted against final passage ([RCS# 225](#))

Silver City Press & Independent: The Legislature approved Senate Bill 176, which would give pay 10 percent raises to the governor, lieutenant governor, attorney general, secretary of state, state auditor, state treasurer, land commissioner and public regulation commissioners who win this year’s election.⁵⁸⁴

⁵⁸⁰ “State lawmakers fast-track bill that could shield their correspondence,” Julie Ann Grimm, Las Cruces Sun-News, 3/12/2013

⁵⁸¹ “State lawmakers fast-track bill that could shield their correspondence,” Julie Ann Grimm, Las Cruces Sun-News, 3/12/2013

⁵⁸² “Republicans Herrell, Chase speak at Lincoln County GOP meeting,” Dianne Stallings, Ruidoso News, 1/15/2020

⁵⁸³ [Fiscal Impact, SB 176, 2018](#)

⁵⁸⁴ “Who won, who lost in 2018 legislative session,” Andrew Oxford and Steve Terrell, Silver City Daily Press & Independent, 2/16/2018

PERFORMANCE

VOTES

Voted For Requiring All Public Boards and Commissions to Make Final Meeting Agendas Available At Least 72 Hours Before Meeting

On 02/09/2012, Herrell voted for HB 35. House Bill 35 amends the Open Meetings Act to require all state and local public body boards, institutions and commissions to make the final agenda for a meeting available to the public at least 72 hours before the meeting, except in the case of an emergency.

Currently, the Act requires a final agenda to be available at least 24 hours before a meeting.⁵⁸⁵

[HB 35](#), Voted for final passage ([RCS# 3499](#))

Albuquerque Journal: Tougher penalties for state officials convicted of corruption (HB111) passed the House and was pending in the Senate. Posting the names and pay levels of all state workers on the state's online Sunshine Portal (SB30) was expanded to also cover government contractors, passed the Senate, and was in a House committee. Requiring public meeting agendas to be available 72 hours in advance, instead of 24 (HB35), passed the House and was in a Senate committee.⁵⁸⁶

Was Excused For a Vote For Allowing Property Owners to Receive Notices via E-Mail than by First Class Mail

On 02/16/2015, Herrell was recorded as excused for the vote on HB 49. House Bill 49 will allow a property owner the option of receiving notices via electronic mail rather than by first class mail pursuant to the property tax code until such request is revoked in writing by the property owner. Property owners may elect to receive notices via electronic mail by notifying their county assessor in writing or by electronic mail. The bill also allows that whenever the Property Tax Code requires a method of notification other than by regular first class mail, the notice request by the property owner will also allow for the use of electronic notice, as long as it is in accordance with the provisions of that code.⁵⁸⁷

[HB 49](#), Was excused for vote on final passage ([RCS# 4781](#))

Roswell Daily Record: House Bill 49, introduced by Wooley, would allow county assessors and county treasurers to send notices via electronic mail. It passed the House Feb. 16 by a 59-0 vote.⁵⁸⁸

RULEMAKING

Encouraged limiting government as a rural value

In September 2018, Herrell discussed the role of limiting government in addressing rural economic needs. Herrell believed that local governments should be the primary source of decision-making to improve economic development and infrastructure, and noted that federal regulations on health, safety, and the environment excessively limit New Mexico industries.⁵⁸⁹ Herrell believed that the federal

⁵⁸⁵ [Fiscal Impact, HB 35, 2012](#)

⁵⁸⁶ "2012 LEGISLATURE; The Clock Winds Down," Deborah Baker, Albuquerque Journal, 2/12/2012

⁵⁸⁷ [Fiscal Impact, HB 49, 2015](#)

⁵⁸⁸ "House, Senate leaders spar over bill process," Roswell Daily Record, 3/3/2015

⁵⁸⁹ "Herrell addresses rural needs; Congressional candidate emphasizes family values and limited government," Adrian Hedden, Carlsbad Current-Argus, 9/6/2018

government should instead support the infrastructure needed to provide for economic growth, such as improving roads.⁵⁹⁰

We actually have to be smart in our decisions and who's making the decisions for us, and I think limited government is always better. I'm obviously all for protecting our health, safety and environment. But I think we've gotten to a place where we've placed so many regulations on businesses.⁵⁹¹

It's not just the state and local level. It's the federal, state and local level. We have to invite business to New Mexico in terms of limiting government, and really pushing our free market, our choices, and the prosperity that everyone wants to enjoy and have.⁵⁹²

We have a lot of small businesses in New Mexico that have been the backbone of the state when oil and gas was in the bust mode. Now we see the growth there, but we can also do more to improve the economy by workforce, less regulation. We can streamline the processing. We can stop duplicating regulatory problems and issues.⁵⁹³

VOTES

Voted For Removing Authority to Charter and Regulate Corporations from the Public Regulation Commission, Transferring Authority to Secretary of State

On 02/02/2012, Herrell voted for HJR 16. House Joint Resolution 16 proposes to amend article 11, section 2 of the constitution of New Mexico and to enact a new section of article 11 to remove authority to charter and regulate corporations from the Public Regulation Commission and provide authority to charter corporations to the Secretary of State.⁵⁹⁴

[HJR 16](#), Voted for final passage ([RCS# 3441](#))

Albuquerque Journal: Constitutional changes to take some duties away from the Public Regulation Commission (HJR 16, HJR 17) and require commissioners to have minimal qualifications (HJR11) passed the House and were in Senate committees.⁵⁹⁵

Voted For Removing Regulation of Insurance Companies from Public Regulation Commission and Placing Under Superintendent of Insurance

On 02/02/2012, Herrell voted for HJR 17. House Joint Resolution 17 proposes to amend article 11 of the constitution of New Mexico to remove the regulation of insurance companies and others engaged in risk assumption from the public regulation commission and place it under a Superintendent of Insurance appointed from nominees submitted to the governor by the insurance nominating committee. The eight members of the insurance nominating committee would be appointed by the following legislative leaders: two by the Senate President Pro Tempore, two by the Senate Minority Leader, two by the

⁵⁹⁰ "Herrell addresses rural needs; Congressional candidate emphasizes family values and limited government," Adrian Hedden, Carlsbad Current-Argus, 9/6/2018

⁵⁹¹ "Herrell addresses rural needs; Congressional candidate emphasizes family values and limited government," Adrian Hedden, Carlsbad Current-Argus, 9/6/2018

⁵⁹² "Herrell addresses rural needs; Congressional candidate emphasizes family values and limited government," Adrian Hedden, Carlsbad Current-Argus, 9/6/2018

⁵⁹³ "Herrell addresses rural needs; Congressional candidate emphasizes family values and limited government," Adrian Hedden, Carlsbad Current-Argus, 9/6/2018

⁵⁹⁴ [Fiscal Impact, HJR 16, 2012](#)

⁵⁹⁵ "2012 LEGISLATURE; The Clock Winds Down," Deborah Baker, 2/12/2012

Speaker of the House, and two by the House Minority Leader. No more than four members may be members of the same political party. The governor shall appoint a Superintendent of Insurance with the consent of the senate for terms of four years from a list of nominees submitted to the governor by the insurance nominating committee.⁵⁹⁶

[HJR 17](#), Voted for final passage ([RCS# 3442](#))

Albuquerque Journal: Constitutional changes to take some duties away from the Public Regulation Commission (HJR 16, HJR 17) and require commissioners to have minimal qualifications (HJR11) passed the House and were in Senate committees.⁵⁹⁷

Voted For Increasing Required Qualifications for Public Regulatory Commission Commissioners

On 02/02/2012, Herrell voted for HJR 11. House Joint Resolution 11 proposes an amendment to article 11, section 1 of the constitution of New Mexico to increase the qualifications for PRC commissioners. The Legislature shall provide by law, increased educational and professional qualifications and continuing education requirements for PRC commissioners. The amendment proposed by this resolution shall be submitted to the people for their approval or rejection at the next general election or at any special election prior to that date that may be called for that purpose.⁵⁹⁸

[HJR 11](#), Voted for final passage ([RCS# 3440](#))

Albuquerque Journal: Constitutional changes to take some duties away from the Public Regulation Commission (HJR 16, HJR 17) and require commissioners to have minimal qualifications (HJR11) passed the House and were in Senate committees.⁵⁹⁹

Voted For Creating Independent Commission to Recommend Changes to the New Mexico Constitution

On 02/08/2012, Herrell voted for HB 151. House Bill 151 creates a 17-member independent commission to recommend changes to the New Mexico Constitution. The commission would be composed of fifteen voting members and two advisory, non-voting members. The members are appointed as follows: Three public members appointed by the speaker of the House of Representatives, with a maximum of two from the same party; three public members appointed by the president pro tempore of the senate, with a maximum of two from the same party; three public members appointed by the governor, with a maximum of two from the same party; six public members appointed by the New Mexico legislative council; and two advisory, non-voting members, being the Chief Justice and the Attorney General. Each of these members has the power to designate an individual to serve on the member's behalf. The bill also requires the appointments be coordinated to ensure representation by the different geographical areas and reflecting the cultural, economic, professional and ethnic diversity of the state. Additionally, HB 151 requires no more than eight members shall belong to the same political party.⁶⁰⁰

[HB 151](#), Voted for final passage ([RCS# 3492](#))

Santa Fe New Mexican: Review state constitution? The House of Representatives passed legislation 68-0 Wednesday that would create a commission to review and suggest changes to the New Mexico Constitution. The commission created by House Bill 151, sponsored by Rep. Joe

⁵⁹⁶ [Fiscal Impact, HJR 17, 2012](#)

⁵⁹⁷ "2012 LEGISLATURE; The Clock Winds Down," Deborah Baker, 2/12/2012

⁵⁹⁸ [Fiscal Impact, HJR 11, 2012](#)

⁵⁹⁹ "2012 LEGISLATURE; The Clock Winds Down," Deborah Baker, 2/12/2012

⁶⁰⁰ [Fiscal Impact, HB 151, 2012](#)

Cervantes, D-Las Cruces, would also compare New Mexico's constitution to constitutions in other states, according to a news release. Dozens of constitutional amendments have been proposed in recent years, and the bill is a response to the need for a comprehensive and systematic review of the constitution as a whole, Cervantes said. Under the legislation, the commission would be composed of 15 voting members and two advisory, nonvoting members -- the chief justice of the New Mexico Supreme Court and the attorney general. The speaker of the House of Representatives, the president pro tem of the Senate, the governor and the New Mexico legislative council would appoint members to the commission, according to the bill.⁶⁰¹

Voted Against Establishing Public Defender Department as Independent State Agency

On 02/09/2012, Herrell voted against HJR 26. House Joint Resolution 26 proposes amending Article 6 of the New Mexico Constitution to establish the public defender department as an independent state agency. The chief public defender will be appointed for six years by the public defender commission which will also appoint the chief public defender whenever the position becomes vacant. The commission shall not interfere with the discretion or profession judgment or advocacy of the department. The commission will consist of eleven members: two appointed by the governor, two by the Chief Justice of the Supreme Court, three by the dean of the University of New Mexico Law School, two by the president of the state bar, one by the Speaker of the House of Representatives, and one by the President pro tempore of the Senate. The joint resolution requires the amendment to be placed on the ballot during the next general election or any special election called prior to that election.⁶⁰²

[HJR 26](#), Voted against final passage ([RCS# 3514](#))

Santa Fe New Mexican: Independent defenders: A proposed constitutional amendment to make the New Mexico Office of the Public Defender an independent state agency cleared the Senate Rules Committee on Monday by a 5-2 vote, according to a news release. House Joint Resolution 26, sponsored by Rep. Antonio "Moe" Maestas, D-Albuquerque, would allow New Mexicans to vote on whether to make the Office of the Public Defender an independent state agency. Currently, the agency falls under the governor's control. Under the measure, the chief public defender would be appointed for six years by the public defender commission. The commission would consist of 11 members: two appointed by the governor, two by the chief justice of the New Mexico Supreme Court, three by the dean of The University of New Mexico Law School, two by the president of the State Bar, one by the speaker of the House of Representatives and one by the president pro tem of the Senate. "The Public Defender is the only state agency guaranteed by the United States Bill of Rights," Maestas said in the news release.⁶⁰³

Voted For Increasing Contribution Rates for Educational Retirement Board Members to 9.4% of Members' Starting Salary

On 02/11/2012, Herrell voted for HB 269. House Bill 269 increases contribution rates for members of the Educational Retirement Board from 7.9% to 9.4% of the members' salary starting in FY14. The member contribution rate for FY14 would decrease to 7.9% if the ERB employer's contribution rate for FY14 is reduced to a rate less than 13.15%. Regardless of any contribution rate changes for employers and employees, the employee contribution rate from FY15 going forward would be 9.4%. The bill also

⁶⁰¹ "Legislative Roundup," Santa Fe New Mexican, 2/9/2012

⁶⁰² [Fiscal Impact, HJR 26, 2012](#)

⁶⁰³ "Legislative Roundup," Santa Fe New Mexican, 2/14/2012

alters the parameters for members who would be subject to the second tier of ERB retirement eligibility as set forth in Section 22-11-23.1 NMSA 1978. According to HB 269, a member would fall into the second tier of retirement eligibility if the member does not have five or more years of ERB service credit on or before June 30, 2012. Under current statutes, a member qualifies for the second tier if they initially became an ERB member on or after July 1, 2010. HB 269 changes the second tier retirement eligibility by inserting a minimum age of fifty-five before a member can retire and reduces the age of retirement for members with at least five years of service credit from sixty-seven to sixty-five while maintaining the rule of eighty, that is, the sum of the member's age plus years of service equals eighty or greater.⁶⁰⁴

[HB 269](#), Voted for final passage ([RCS# 3550](#))

Albuquerque Journal: Shoring up the teacher pension fund by requiring employees in future years to contribute more to their retirement plans and setting a minimum retirement age of 55 (HB269) passed the House and was pending in the Senate, where an alternative proposal (SB150) awaited action. A provision in the House-passed budget (HB2) also would mean higher takehome pay for teachers and state workers. A House committee rejected a proposal (HJR18) to require lawmakers who work as teachers or other public employees to take leave while they're on legislative business.⁶⁰⁵

Voted For Requiring Education and Experience Qualifications to be Elected or Appointed as a Public Regulation Commissioner

On 2/14/2013, Herrell voted for HB 47, an Act that would require that to be elected or appointed as a Public Regulation Commissioner, a person must possess qualifying levels of education, experience, or a combination of the two. The bill specifies what levels of each qualify. Candidates running for the PRC must provide documentation demonstrating that they meet these qualifications to the Office of the Secretary of State when they file their other candidacy paperwork. The bill gives very specific guidance to the Office of the Secretary of State, specifying exactly how many hours constitute one year of experience, and how many years of education count for each degree.⁶⁰⁶

[HB 47](#), Voted for final passage, ([RCS# 3756](#))

Las Cruces Sun-News: The bill dealt with establishing minimum qualifications for Public Regulation Commissioners.⁶⁰⁷

Voted For Authorizing New Mexico Finance Authority to Make Loans from Public Project Revolving Fund

On 02/21/2013, Herrell voted for HB 70. House Bill 70 endorsed by the New Mexico Finance Authority Oversight Committee, authorizes the New Mexico Finance Authority (NMFA) to make loans from the public project revolving fund (PPRF) for 95 public projects to qualified state, local, and political subdivision entities statewide. This bill contains an emergency clause.⁶⁰⁸

[HB 70](#), Voted for final passage ([RCS# 3832](#))

⁶⁰⁴ [Fiscal Impact, HB 269, 2012](#)

⁶⁰⁵ "2012 LEGISLATURE; The Clock Winds Down," Deborah Baker, 2/12/2012

⁶⁰⁶ [Fiscal Impact, HB 47 & 89, 2013](#)

⁶⁰⁷ "Only three bills signed as Legislature heads into final days," Steve Terrell, Las Cruces Sun-News, 3/9/2013

⁶⁰⁸ [Fiscal Impact, HB 70, 2013](#)

Gallup Independent: There was nothing fishy about House Bill 70. The measure, by Rep. Patricia Lundstrom, D-Gallup, authorizes the New Mexico Finance Authority to make loans for 95 public projects from its public project revolving fund. The NMFA's fixed interest rates normally reduce borrowing costs to public entities. On Wednesday, Sen. Stuart Ingle, R-Portales, asked if there were any unusual projects, like tilapia farming. There were not. "We had a tilapia project one year," he said. "It was not a proud moment that we had to stop it, not once but twice." Ingle was referring to a 2007 measure to allow the NMFA to guarantee a loan for a tilapia operation in Hidalgo County. Lundstrom's HB 70 passed the Senate and is on the governor's desk.⁶⁰⁹

Voted For Consolidating the Public Regulation Commission's Corporate Reporting Unit to the Secretary of State's Office

On 2/26/2013, Herrell voted for HB 46, an Act that responded to the constitutional amendment transferring the corporation bureau function from the Public Regulation Commission to the Secretary of State. Most of the bill identifies written references in the statutes to corporations and changes the name for authority and responsibility of chartering and subsequent administration from the PRC to the SOS. In addition, general language changes that do not change the intent or interpretation of the statute are corrected or updated.⁶¹⁰

[HB 46](#), Voted for final passage ([RCS# 3885](#))

Deming Headlight: The bill consolidated the PRC's corporate reporting unit into an efficient one-stop shop for all business filings at the Secretary of State's office.⁶¹¹

Voted Against Making the Public Defender Department Independent of the Governor and New Mexico Corrections Department with an Independent Commission

On 3/6/2013, Herrell voted against HB 483, a bill detaches the Public Defender Department (PDD) from the New Mexico Corrections Department and creates a commission to oversee the operation of the PDD, as required under the recently passed constitutional amendment. The commission will have eleven members: one appointed by the Governor, three appointed by the Chief Justice of the Supreme Court, three appointed by the Dean of the University of New Mexico School of Law, two appointed by the Speaker of the House of Representatives, two appointed by the Majority Floor Leader of the Senate. The initial appointments to the commission must be made by May 1, 2013 and the Supreme Court will fill any vacancies. The bill provides that a member of the commission may be removed by the commission for malfeasance, misfeasance or neglect of duty. Members must resign immediately if their professional status changes so that they are ineligible to serve on the commission.⁶¹²

[HB 483](#), Voted against final passage ([RCS# 4030](#))

Las Cruces Sun-News: The bill would make the state Public Defender Department independent from the governor and create an independent commission to oversee the department.⁶¹³

Voted For Allowing Property Control Division to Use Reserve Fund to Renovate or Plan Renovation of State Office Buildings

⁶⁰⁹ "Bill would make loans for public projects; Legislative Session 2013," Sherry Robinson, The Gallup Independent, 3/14/2013

⁶¹⁰ [Fiscal Impact, HB 46, 2013](#)

⁶¹¹ "Finishing touches on PRC reform," Fred Nathan, Deming Headlight, 3/3/2013

⁶¹² [Fiscal Impact, HB CS CS 483, 2013](#)

⁶¹³ "Legislative roundup, March 6, 2013," The New Mexican, Las Cruces Sun-News, 3/6/2013

On 03/11/2013, Herrell voted for SB 572. Senate Bill 572 amends the Property Control Act to allow the Property Control Division (PCD) within the General Services Department (GSD) upon appropriation from the legislature to use monies from the property control reserve fund to renovate or plan the construction or renovation of state office buildings throughout the state. Currently, Section 15-3B-20 allows monies in the fund to be used only to purchase or construct state office buildings in Santa Fe. The bill also appropriates \$2.3 million from the property control reserve fund to the PCD in FY13 and subsequent fiscal years for the purchase and renovation and plans for the renovation of a state office building and accompanying land in Bernalillo County.⁶¹⁴

[SB 572](#), Voted for final passage ([RCS# 4154](#))

Roswell Daily Record: The House also passed Wednesday SB160, sponsored by Sen. Stuart Ingle, R-Portales, pertaining to the definition of biodiesel. Other bills sponsored by Ingle to pass both the Senate and the House are SB138, which would repeal fruit and vegetable standard's statutes, and SB572, which involves the renovation and construction of state offices.⁶¹⁵

Voted For Requiring Members of New Mexico Finance Authority to Have Minimum of 10 Years of Experience in Related Field

On 03/13/2013, Herrell voted for SB 12. Senate Bill 12 amends several provisions of the New Mexico Finance Authority Act. It changes the composition of the NMFA governing body and proposes other changes to the internal operations of and methods by which the NMFA conducts its fiduciary and management responsibilities. The effective date of the bill is July 1, 2013. A Senate floor amendment to the bill would require all members of the NMFA to have no less than ten years of experience in the field of institutional investment, accounting, law, public finance, banking, or public project planning or engineering. The amendment noted that if this disqualified acting members, the position would become vacant. A House floor amendment struck the Senate floor amendment to exempt certain positions (those that are not publicly appointed) to be excluded from the ten year requirement.⁶¹⁶

[SB 12](#), Voted for final passage ([RCS# 4199](#))

Las Cruces Sun-News: Finance Authority: The House on Wednesday passed a Senate bill that would make major changes in the New Mexico Finance Authority. SB 12's sponsor, Sen. Tim Keller, D-Albuquerque, said the bill was sparked by last year's fake audit scandal. The legislation would add qualifications and financial expertise to the board; require full disclosure and accountability of all budgeting and audit functions; and stagger board terms and enable legislative appointments, which Keller said would reduce conflicts of interest. Because an amendment to the bill was added while it was in the House, it must go back to the Senate for concurrence. Keller said in a news release that he expects the Senate to go along with the amendment.⁶¹⁷

Voted For Helping In-State Businesses get Government Contracts More Easily

2/14/2014, Herrell requested the secretary of the General Services Department (GSD) develop guidance and secure qualified training for chief procurement officers of state agencies and local public bodies by persons experienced with specifications and contract terms in bids and requests for proposals that will

⁶¹⁴ [Fiscal Impact, SB 572, 2013](#)

⁶¹⁵ "Locals' bills pass," Roswell Daily Record, 3/14/2013

⁶¹⁶ [Fiscal Impact, SB 12, 2013](#)

⁶¹⁷ "Legislative roundup: March 13, 2013," Las Cruces Sun-News, 3/13/2013

promote fair competition and transparency for New Mexico resident businesses and contractors for government contracts. It also directs the secretary to identify a New Mexico resident business or contractor who is a vendor on a statewide price agreement on that agreement.⁶¹⁸

[HJM 11](#), Voted for final passage ([RCS# 4530](#))

Los Alamos Monitor: The Joint Memorial would help in-state businesses get government contracts more easily. Sponsor Rep. Garcia Richard said that a recent task force found a growing trend of state bids being oriented toward out of state companies, and said, “I’m working with both private industry and labor to fix that problem by sponsoring legislation that guides state and county governments to give in -state businesses the opportunity to bid on government contracts rather than focusing on out of state contractors.”⁶¹⁹

GUNS

ASSAULT WEAPONS

Endorsed by the NRA in U.S. House general election for opposition of weapon bans

In October 2018, The National Rifle Association endorsed Herrell for the U.S. House of Representatives in the 2nd Congressional District of New Mexico, citing her opposition of weapon bans.⁶²⁰

She also supports veterans' Second Amendment rights and opposes bans on commonly owned rifles and ammunition.⁶²¹

Said she opposed ban on assault weapons in Q&A

In May 2020, Herrell discussed assault weapons in a Q&A with the Albuquerque Journal. When asked if she supported a federal ban on the sale of “military style semi-automatic rifles” and whether she’d support other gun law reforms, Herrell replied, “No. None, I completely support our 2nd Amendment Right and will not support any legislation that impedes on our constitutional right to own and bear arms.”⁶²²

CONCEALED WEAPONS

Endorsed by the NRA in U.S. House general election for support of concealed carry

In October 2018, The National Rifle Association endorsed Herrell for the U.S. House of Representatives in the 2nd Congressional District of New Mexico, citing her support of concealed carry reciprocity.⁶²³

She supports concealed carry reciprocity legislation, which would ensure that the nearly 20 million law-abiding Americans who can carry a concealed firearm in their home state are able to legally carry concealed across state lines.⁶²⁴

⁶¹⁸ [Fiscal impact, HJM 11, 2014](#)

⁶¹⁹ “Legislature winds down,” Los Alamos Monitor, 2/19/2014

⁶²⁰ “NRA ENDORSES YVETTE HERRELL FOR U.S. HOUSE OF REPRESENTATIVES,” State News Service, 10/11/2018

⁶²¹ “NRA ENDORSES YVETTE HERRELL FOR U.S. HOUSE OF REPRESENTATIVES,” State News Service, 10/11/2018

⁶²² “Q&A: Congressional District 2 Yvette Herrell,” Anthony Jackson, Albuquerque Journal. 5/5/2020

⁶²³ “NRA ENDORSES YVETTE HERRELL FOR U.S. HOUSE OF REPRESENTATIVES,” State News Service, 10/11/2018

⁶²⁴ “NRA ENDORSES YVETTE HERRELL FOR U.S. HOUSE OF REPRESENTATIVES,” State News Service, 10/11/2018

VOTES

Voted For Exempting Members of New Mexico Mounted Patrol from Fees and Training Courses for Concealed Carry Firearms

On 02/26/2015, Herrell voted for HB 431. House Bill 431 grants an exemption to a current member of the NMMP from application or renewal fees, and training courses, necessary to carry a concealed firearm. The exemption applies to mounted patrol members who have successfully completed a Law Enforcement Academy basic law enforcement training program for mounted patrol members.⁶²⁵ [HB 431](#), Voted for final passage ([RCS# 4880](#))

Roswell Daily Record: House Bill 431, introduced by Wooley, would provide an exception to concealed handgun fees and firearms training courses for members of the New Mexico Mounted Patrol. It passed the House Thursday by a 59-0 vote.⁶²⁶

GUN SAFETY

Said she would stand for 2nd Amendment if elected

In May 2020, Herrell said she stood against bills infringing on 2nd Amendment rights as a legislator and would continue to do so if elected to Congress. According to a DCCC tracking report, Herrell said she was the only candidate with the endorsement of both the NRA and Gun Owners of America. She added that it was important to stand with sheriffs on gun issues.⁶²⁷

Pledged to support Second Amendment rights

In October 2018, Herrell's campaign issued a statement discussing her support for Second Amendment rights. The campaign touted her NRA endorsement, and noted that she planned to defend the Second Amendment against abridgements.⁶²⁸

Herrell believes that this right is God-given and unable to be abridged by man. As a proud NRA member, Yvette remains steadfastly committed to defending the Second Amendment against any and all who wish to lessen its importance.⁶²⁹

GUN SHOW LOOPHOLE/ BACKGROUND CHECKS

VOTES

Voted Against Background Checks on Anyone Buying Firearms at a Gun Show with Certain Exceptions

On 2/13/2013, Herrell voted against HB 77, an Act that would require background checks for firearms transactions at gun shows and provides for reporting by the Administrative Office of the Courts (AOC) to the FBI's National Instant Criminal Background Check System. The substitute requires a transferor at a gun show other than a federally-licensed gun dealer to request a background check of a prospective transferee (other than a federal firearms licensee or the holder of a valid New Mexico gun license) to ascertain his or her eligibility to possess a firearm. The background check must be conducted by a

⁶²⁵ [Fiscal Impact, HB 431, 2015](#)

⁶²⁶ "House, Senate leaders spar over bill process," *Roswell Daily Record*, 3/3/2015

⁶²⁷ "GOP Debate," DCCC Tracking Report, 5/15/2020

⁶²⁸ "U. S. Representatives; Herrell, Torres Small," *Cibola Citizen*, 10/24/2018

⁶²⁹ "U. S. Representatives; Herrell, Torres Small," *Cibola Citizen*, 10/24/2018

federal firearms licensee. If the check reveals that the transferee is prohibited from receiving a firearm, the federal firearms licensee shall inform the parties of that fact and the transfer shall not take place.⁶³⁰

The bill requires that a gun show organizer arrange for one or more federal licensees to be on the premises of the gun show to obtain the required background checks. It also requires prominent signage at gun shows regarding the background check requirements and any fee that may be charged. The background check requirement will not apply to the transfer of antique or relic firearms. It specifies that a transferor that complies with the background check requirements shall be immune from civil liability unless he or she knows that the recipient is likely to commit an unlawful act or transfer the firearm to an unqualified third party. The bill specifies that unlawful purchase or receipt of a firearm and unlawful transfer of a firearm shall be misdemeanors; failure to retain forms or post required notice at a gun show is a petty misdemeanor. The bill also requires the AOC to report to the National Instant Criminal Background Check System any information from court proceedings relating to an individual's eligibility to possess firearms. The AOC is directed to transmit only such information as necessary to identify the person. Information transferred must only be used for the purpose of inclusion in the National Instant Criminal Background Check System. A person reported to the FBI by the AOC may inspect and correct any information in the report and may petition for re-determination. If a redetermination is made, the AOC must report it promptly to the FBI.⁶³¹

[HB 77](#), Voted against final passage ([RCS# 3746](#))

Las Cruces Sun-News: The bill would require background checks on anyone buying firearms at gun shows.⁶³²

Was Absent for Vote on Creating Criminal Records Clearinghouse

On 02/11/2016, Herrell was absent for the vote on HB 336. House Bill 336 proposes a criminal records database, hereafter referred to as a clearinghouse, that merges criminal records data from multiple databases and gives courts and law enforcement agencies access to comprehensive criminal background records of criminal suspects and defendants. DPS would be responsible for maintaining the database. The bill grants DPS the authority to create the clearinghouse. The bill included House Floor Amendment #1, which would require the reporting of information by the Administrative Office of the Courts relating to a person's eligibility to receive or possess a firearm and information about court orders or judgements related to those adjudicated as a mental defective or committed to a mental institution and subsequently disabled from possessing a firearm. The amendment would also permit those adjudicated as mental defectives to petition to allow the block on their purchase of a firearm to be removed.⁶³³

[HB 336](#), Was absent for vote on final passage ([RCS# 185](#))

Silver City Daily Press & Independent: In a surprise move Thursday, the House of Representatives unanimously passed a bill that would close loopholes in New Mexico law by requiring the state's courts to report relevant mental health records to the federal National Instant Criminal Background Check System. House Majority Leader Nate Gentry, R-Albuquerque, originally introduced this proposal in House Bill 91. However, that bill never received a message from Gov. Susana Martinez to allow it to be heard during the 30-day budget session. Gentry got

⁶³⁰ [Fiscal Impact, HB 77, 2013](#)

⁶³¹ [Fiscal Impact, HB 77, 2013](#)

⁶³² "Only three bills signed as Legislature heads into final days," Steve Terrell, Las Cruces Sun-News, 3/9/2013

⁶³³ [Fiscal Impact, HB 336, 2016](#)

around that by introducing another bill, House Bill 336, which would mandate the state Public Safety Department to create a criminal records database that merges criminal records from various databases. Then, on the House floor, he introduced an amendment that basically was HB 91.⁶³⁴

HEALTHCARE

ACA (APPLICATION)

Said ACA led to higher premiums for consumers

In May 2019, Herrell discussed the ACA at a campaign stop in Roswell. She said that while she supported the protections for consumers with pre-existing conditions that were put into place by the ACA, she believed the act led to higher premiums for consumers. Herrell said that in order to lower healthcare costs, there should be more of a focus on preventive medical care and increasing choice through the private sector. She also voiced support for allowing people to buy healthcare across state lines.⁶³⁵

DCCC criticized Herrell and Chase for failing to address health care in forum

In May 2020, a DCCC press release criticized Herrell and Chase for failing to address health care during a forum. The release claimed that the candidates “spent more than an hour taking veiled shots at one another,” adding that while the Republican primary had been focused on attacks for weeks, “Torres Small [had] been focused on helping southern New Mexicans access health care” during the coronavirus pandemic. The release said that Chase and Herrell should be forced to answer if they agreed with a Trump lawsuit against the ACA, if they would have supported the reopening of the ACA marketplaces during the pandemic, and if they believed Medicare should be able to negotiate lower drug prices.⁶³⁶

Said she support repealing and replacing ACA during radio debate

In May 2020, Herrell said she supported repealing and replacing the Affordable Care Act during a radio debate, according to a DCCC tracking report from the event.⁶³⁷

ACA (FULL REPEAL)

Supported ACA repeal and replace

In September 2018, Herrell opined that the Affordable Care Act misaligned with New Mexico’s rural needs, as it placed an undue burden on small businesses. Herrell supported repeal and replace as a solution to the healthcare debate.⁶³⁸

We have to do more in terms of making it more affordable. I think we should be replacing, repealing Obamacare so that we can open free markets and additional opportunities for companies to provide insurance that is affordable not only for the company but for the individual.

⁶³⁴ “Legislative Roundup,” Silver City Daily Press & Independent, 2/12/2016

⁶³⁵ “Yvette Herrell back on the campaign trail,” Alex Ross, Roswell Daily Record, 5/24/2019

⁶³⁶ “Amid COVID-19 Pandemic, Chase, Herrell Fail to Address Health Care in Forum,” Press Release, DCCC, 5/11/2020

⁶³⁷ “GOP Debate,” DCCC Tracking Report, 5/15/2020

⁶³⁸ “Herrell addresses rural needs; Congressional candidate emphasizes family values and limited government,” Adrian Hedden, Carlsbad Current-Argus, 9/6/2018

We need to be thinking about these things to make easier and cheaper to do business in our communities and in our state.⁶³⁹

HEALTH INSURANCE

VOTES

Voted Against Implementing Statutes to Create New Mexico Health Insurance Exchange and a Board to Oversee Exchange

On 02/28/2013, Herrell voted against HB 168. The bill will amend, repeal, and enact sections of the Health Insurance Alliance Act. This will provide the statutory construct for the establishment of the New Mexico Health Insurance Exchange (HIX) that will offer qualified health plans in the individual, small employer, or large employer health insurance markets. The bill provides that on June 15, 2013 all personnel, appropriations, money, records, equipment, supplies and other personal property of the New Mexico Health Insurance Alliance shall transfer to the HIX. Also included in the transfer are all contracts of the New Mexico Health Insurance Alliance. On the effective date of this act, the board of the New Mexico Health Insurance Alliance Board of Directors shall cease to exist. The bill directs the HIX to increase access to health plan coverage for small employer and eligible individuals with assistance in comparing and applying for qualified health plans. This bill also defines a qualified individual who may access the HIX, which includes all New Mexicans. This specifically defines a Native American due to specific regulations for Native Americans under the Affordable Care Act of 2010 (ACA). The HIX Board would consist of 13 members and shall be composed, as a whole, to assure representation of the state's Native American population and ethnic, cultural and geographic diversity.⁶⁴⁰

[HB 168](#), Voted against final passage ([RCS# 3928](#))

Gallup Independent: Sen. Benny Shendo wasn't the first horse out of the gate with a health insurance exchange bill, but he's likely to win the race. An exchange will be a kind of online marketplace where individuals and businesses can compare and buy health plans from companies. The plans must offer benefits tailored to New Mexico. The exchanges are required by the federal Affordable Care Act and must be ready for enrollment in October and operational by January or the federal government will set up an exchange. The Legislature began work on an exchange three years ago, and two years ago passed legislation, which Gov. Susana Martinez vetoed, saying state government could set up an exchange administratively, operated by the nonprofit New Mexico Health Insurance Alliance. . . Stewart's HB 168 described a governing board that would decide which companies could offer plans on the exchange. And because she thought the alliance board was industry heavy, she reconfigured it to have just one industry representative. Insurers argued that any plans that passed muster with the state insurance superintendent should be offered on the exchange. They and the administration wanted a market-driven exchange. In late February the bill failed in the House.⁶⁴¹

Voted For Regulating Use of Step Therapy, or Requirement from Insurers that Enrollees Be Treated with Less Expensive Treatment Prior to More Expensive Treatment

⁶³⁹ "Herrell addresses rural needs; Congressional candidate emphasizes family values and limited government," Adrian Hedden, Carlsbad Current-Argus, 9/6/2018

⁶⁴⁰ [Fiscal Impact, HB 168, 2013](#)

⁶⁴¹ "NM health bill is 'product of compromise'; 2013 Legislative Session," Sherry Robinson, Gallup Independent, 3/15/2013

On 02/12/2018, Herrell voted for SB 11. Senate Bill 11 would regulate the use of step therapy and establish review procedures both before an insurer would institute step therapy for a given disorder, and to resolve complaints by insured patients subject to step therapy. Step therapy involves the requirement by health insurers that their enrollees be treated with a more effective and/or less expensive drug or device before moving to a more expensive one if the lower-cost therapy proves ineffective. It is used to attempt to reduce the cost of care, and is sometimes disparagingly referred to as “Fail First therapy.” Insurers would have to base their step therapy protocols on recommendations of “an interdisciplinary panel of experts,” which would use analytical and methodological experts to help with data analysis and interpretation of high-quality research studies in recommending the steps patients would be required to take. Articles published in peer-reviewed journals could form the basis of the step therapy, or, if published guidelines were not available, expert opinion could be used.⁶⁴²

[SB 11](#), Voted for final passage ([RCS# 202](#))

Silver City Sun-News: A bipartisan bill to ensure patients get the right medication at the right time made history, and passed the House Floor. Senate Bill 11, sponsored by Representatives Elizabeth "Liz" Thomson (D-Albuquerque), Monica Youngblood (R-Albuquerque) and Senators Elizabeth "Liz" Stefanics (D-Cerrillos) and Gay G. Kernan (R-Hobbs), would improve "step therapy", the practice used by insurance companies to cut costs by requiring patients to try more affordable treatment options before more expensive ones. SB 11 would allow doctors to skip treatments that have already proven ineffective or harmful and prescribe more effective treatments first.⁶⁴³

MEDICARE FOR ALL

Said she opposed Medicare for All at campaign stop in Roswell

In May 2019, Herrell said she did not support Medicare for All proposals and claimed it would lead to less efficient and accessible healthcare. Herrell said, “That is unsustainable. That is a government-run healthcare system.”⁶⁴⁴

Said she opposed single-payer health care in Q&A

In May 2020, Herrell said she opposed a national single-payer health system in a Q&A with the Albuquerque Journal. Herrell’s full quote read, “We need a free-market driven health care system. Consumers should have more options to select physicians, policy plans, premium choices, and coverage limits that work for their families and businesses.”⁶⁴⁵

Said single-payer would lead to lower quality health care

In May 2020, Herrell explained her opposition to single-payer health care in an interview with the Albuquerque Journal. Herrell said, “I will never support a single-payer health care system in our country: that will only lead to lower quality and less access to care, while massively growing the size of government.” Herrell added that she believed the nation needs a free market health care system, which she claimed would “reduce the cost, increase choices, and keep the quality of care high.”⁶⁴⁶

⁶⁴² [Fiscal Impact, SB 11, 2018](#)

⁶⁴³ “Legislative Happenings,” Silver City Sun-News, 2/14/2018

⁶⁴⁴ “Yvette Herrell back on the campaign trail,” Alex Ross, Roswell Daily Record, 5/24/2019

⁶⁴⁵ “Q&A: Congressional District 2 Yvette Herrell,” Anthony Jackson, Albuquerque Journal. 5/5/2020

⁶⁴⁶ “Feuding GOP CD2 candidates aren't far apart on issues,” Scott Turner, Albuquerque Journal, 5/19/2020

OTHER ISSUES

VOTES

Voted For Permitting Hospitals Other than University of New Mexico to Employ Anesthesiologist Assistants Under Same Regulation and Supervision as University Hospital

On 02/16/2015, Herrell voted for HB 54. House Bill 54 would amend the Anesthesiologist Assistant Act (Section 61-6-10.2 NMSA 1978) by changing the definition of Anesthesiologist Assistant (AA) and removing the provisions which require, for the purposes of this act, that AAs practice only if they are employed by the University of New Mexico. Thus, House Bill 54 would permit other hospitals in New Mexico (besides University of New Mexico Hospital) to employ AAs under precisely the same functional and supervisory requirements and to be supervised and directed by anesthesiologists where they work.⁶⁴⁷

[HB 54](#), Voted for final passage ([RCS# 4786](#))

Roswell Daily Record: House Bill 54, introduced by Espinoza, would allow anesthesiology assistants to practice at any hospital in the state. The bill passed the House Feb. 16 by a 38-28 vote and awaits a hearing before the Senate Public Affairs Committee.⁶⁴⁸

Voted For Creating “Dental Therapist” Position in New Mexico

On 03/16/2015, Herrell voted for HB 349. House Bill 349 amends the New Mexico Dental Health Care Act to create a new midlevel dental health care provider. The new provider position would be entitled “dental therapist.” HB 349 would also amend the New Mexico Gross Receipts and Compensating Tax Act, the New Mexico Drug, Device and Cosmetic Act, the Public Assistance Act, the Health Maintenance Organization Law, and the Nonprofit Health Care Plan Law. The legislation establishes the “dental therapist” position providing for licensure and setting out a specific scope of work for dental therapists, establishes overall training and licensing requirements for the position, establishes guidelines for temporary licensure after a dental therapist moves from another state, and creates general administrative guidelines for licensing fees.⁶⁴⁹

[HB 349](#), Voted for final passage ([RCS# 5125](#))

Gallup Independent: The bipartisan bill to provide dental treatment on reservations and rural areas passed the House on Monday night. HB 349, by Rep. Dennis Roch, R-Logan, would create a new mid-level practitioner, the dental therapist, who would be licensed and regulated in the state. They would be trained to perform 90 procedures but would not do everything a dentist does. “This is the farthest we’ve ever gotten,” said Sen. Benny Shendo, D-Jemez Pueblo, who is carrying a parallel bill, SB 6. Roch and Shendo began introducing their bills in 2011. Roch explained on the House floor that dental hygienists could train to become dental therapists, a new mid-level provider who would work under the supervision of a dentist, and the dentist could further restrict what the state allowed. He said hygienists, who have two years of training, would train for another year, followed by 400 hours of supervised practice.⁶⁵⁰

⁶⁴⁷ [Fiscal Impact, HB 54, 2015](#)

⁶⁴⁸ “House, Senate leaders spar over bill process,” *Roswell Daily Record*, 3/3/2015

⁶⁴⁹ [Fiscal Impact, HB 349, 2015](#)

⁶⁵⁰ “Dental Care Bill Passes House,” Sherry Robinson, *The Gallup Independent*, 3/17/2015

PRESCRIPTION DRUGS

Supported HR3, a prescription medication bill held up in the GOP-controlled Senate

In March 2020, Herrell said during an interview with Eyewitness News that she “absolutely” thinks that HR3 would help Southern New Mexicans. The bill, which attempted to lower costs for prescription medications and end drug price hikes, was held up by the GOP-controlled Senate after passing the House.⁶⁵¹

Reporter: Do you think HR3 would help Southern New Mexicans?

Herrell: I think it would. I absolutely think it would.

VOTES

Voted For Reclassifying Hydrocodone as Schedule II Controlled Substance Instead of Schedule III

On 02/27/2015, Herrell voted for HB 294. House Bill 294 amends the Controlled Substance Act to reclassify Dihydrocodeinone, commonly known as hydrocodone, as a schedule II controlled substance instead of a schedule III controlled substance.⁶⁵²

[HB 294](#), Voted for final passage ([RCS# 4921](#))

Roswell Daily Record: House Bill 294, introduced by Espinoza, would reclassify dihydrocodeinone as a Schedule II controlled substance rather than a Schedule III controlled substance. It passed the House Friday by a 55-0 vote and awaits introduction in the Senate.⁶⁵³

PUBLIC HEALTH

VOTES

Voted For Creating Community Engagement Teams to Assist Persons with Mental Health Disorders who May Be Unsafe Living Unassisted but Do Not Require Inpatient Care

On 03/10/2013, Herrell voted for HB 588. House Bill 588 creates community engagement teams (CETs) to engage and assist persons with mental health disorders unlikely to live safely in the community but who do not immediately require inpatient or emergency care, with the objective of reducing the rate of intervention by law enforcement, involuntary hospitalization or incarceration through early outreach. The Department of Health (DOH) would be responsible for the oversight of CETs, and, in consultation with the interagency behavioral health purchasing collaborative (“the collaborative”), would establish a five-year CET pilot project. The pilot project includes the creation of a performance improvement committee, facilitated by a not-for-profit health care organization to ensure a thorough and unbiased evaluation of the pilot project. This committee shall develop recommended criteria for data collection and project evaluation; and report on its activities to the legislature by October 31, 2014. There is no appropriation for the completion of this project.⁶⁵⁴

[HB 588](#), Voted for final passage ([RCS# 4101](#))

⁶⁵¹ Eyewitness News 4 at 10, KOB NBC, Aired 1:00 AM, 3/4/2020

⁶⁵² [Fiscal Impact, HB 294, 2015](#)

⁶⁵³ “House, Senate leaders spar over bill process,” Roswell Daily Record, 3/3/2015

⁶⁵⁴ [Fiscal Impact, HB 588, 2013](#)

Albuquerque Journal: Family members of the mentally ill are shepherding a bill through the Legislature they hope will mark the beginning of a statewide effort to keep those with mental illness out of hospitals and jails, and safely in their communities. House Bill 588 tells the state Department of Health to create a five-year pilot project to set up “community engagement teams” in cities or counties that could intervene to provide help for the mentally ill before they reach a crisis point. The idea is to create a safety net, said Susan Vescovo, whose 38-year-old son has schizophrenia and has been a “revolving-door hospital client” for much of his life. “They don’t wait for you to hit bottom ... requiring involuntary hospitalization,” said Vescovo, the daughter of Senate President Pro Tem Mary Kay Papen, D-Las Cruces, a longtime advocate for the mentally ill. She and others who appeared at a news conference Wednesday said that often the mentally ill are in deep crisis, or threatening themselves or others, before help is made available. . . The “community engagement teams” — which family members, for example, could request to step in — would encourage the mentally ill to voluntarily get services, and would serve as a link to those services. The legislation has passed the House unanimously and, with less than three days to go in the 60-day session, was pending in the Senate.⁶⁵⁵

Voted Against Prohibiting Smoking in Vehicle with Minor Present and Enacting Penalties for Violations

On 02/26/2015, Herrell voted against HJC substitute for HB 148. The bill enacts sections of the motor vehicle code to prohibit smoking in a vehicle with a minor present and enact penalties for violations. CS/HB/148HJCS provides definitions for “electronic smoking device” and “smoking”. It also provides a fine of \$100 for each violation, with the provision that the fine may be waived upon a first violation if the person completes an approved smoking cessation course.⁶⁵⁶

[HB 148](#), Voted against final passage ([RCS# 4893](#))

Cibola County Beacon: Smoking in cars: It would be against the law to smoke in vehicles with minors present under a bill approved Thursday by the House. House Bill 148, sponsored by Rep. Jeff Steinborn, D-Las Cruces, passed on a bipartisan vote of 34-23. The bill would establish fines of \$250 for offenders.⁶⁵⁷

Voted For Requiring Student Athletes with Concussions to Sit Out for At Least 10 Days

On 02/17/2016, Herrell voted for SB 137. Senate Bill 137 amends a section of the Public School Code pertaining to brain injury protocols used by coaches for brain injuries received by students while participating in athletic activities to increase the amount of time a coach may allow a student athlete who has been prohibited from participating in a school athletic activity from one week after to 240 hours or 10 days from the hour in which the student received the brain injury. The bill also adds a new section detailing brain injury education and the training of coaches.⁶⁵⁸

[SB 137](#), Voted for final passage ([RCS# 291](#))

Albuquerque Journal: The House voted 63-0 to approve Senate Bill 137, requiring student athletes with concussions to sit out for at least 10 days, up from the current requirement of

⁶⁵⁵ “Bill pushes for more help for mentally ill; Sufferers would get help before crises,” Deborah Baker, Albuquerque Journal, 3/14/2013

⁶⁵⁶ [Fiscal Impact, HB 148, 2015](#)

⁶⁵⁷ “Legislative roundup, Feb. 27, 2015,” Cibola County Beacon, 3/6/2015

⁶⁵⁸ [Fiscal Impact, SB 137, 2016](#)

seven days. The concussion protocol also was expanded to youth athletic groups that use public school district property.⁶⁵⁹

TOBACCO REGULATION

VOTES

Voted Against Including Tax-Credit and Tax-Exempt Stamps Issued on Tribal Tobacco Sales in Required Escrow Payments for Manufacturers

On 03/14/2011, Herrell voted against SB 397. Senate Bill 397 would expand the definition of tobacco or cigarette sales to include “tax-exempt” and “tax-credit” stamps issued on tribal land sales in order to subject the sales to escrow payments for manufacturers not participating in the Master Settlement Agreement. The bill states that MSA participating manufacturers make payment under the provisions of the MSA on all sales in New Mexico, regardless of the type of stamp issued, and that the bill is intended to equalize treatment of MSA participating and non-participating manufacturers.⁶⁶⁰

[SB 397](#), Voted against final passage ([RCS# 3116](#))

Voted Against Expanding Cigarette Sales Subject to Excise Tax to Include Cigarettes with Tax Stamps, Roll-Your-Own Tobacco, and Cigarettes with Tax-Exempt or Tax-Credit Stamps

On 02/16/2012, Herrell voted against SB 225. Senate Bill 225 would expand the definition of “units sold” to include cigarettes sold bearing tax stamps, ounces of “roll-your-own” tobacco sold on which the tobacco products tax is due, and cigarettes sold bearing tax-exempt or tax-credit stamps pursuant to the Cigarette Tax Act. A new section 6-4-13.2 NMSA 1978 gives the Secretary of the Taxation and Revenue Department the authority to adopt rules regarding the amount of state excise tax that will be paid each year and the number of cigarettes bearing tax-exempt or tax-credit stamps that are sold. Section 7-12-5 NMSA 1978 is also amended to remove language stating that a tax-exempt stamp or tax-credit stamp is not an excise tax stamp.⁶⁶¹

[SB 225](#), Voted against final passage ([RCS# 3647](#))

Voted Against Adding Prohibiting Electronic Cigarettes in Most Public Indoor Settings Due to Dangers of Second-Hand Smoke and Prohibiting Marijuana Products in Most Public Spaces

On 03/17/2017, Herrell voted against SB 318. Senate Bill 318 would add electronic cigarettes to the list of items that could not be used in most public indoor settings, due to the dangers of second-hand smoke. In addition, the bill includes marijuana products to the Dee Johnson Clean Indoor Air Act as being prohibited in most public spaces. It eliminates the exception for enclosed areas within restaurants, bars and other public spaces that are used for private functions. An electronic or e-cigarette is defined in the bill as an electronic device which vaporizes or aerosolizes nicotine and/or other substances in a way that simulates smoking. Secondhand smoke is defined as smoke generated from inhaling, exhaling or burning tobacco or marijuana products or from the aerosol or vapor emitted by an e-cigarette.⁶⁶²

[SB 318](#), Voted against final passage ([RCS# 564](#))

⁶⁵⁹ “Lawmakers send \$6.2B budget to governor; Many bills await action as session enters last day; LEGISLATURE 2016,” Dan Boyd, Albuquerque Journal, 2/18/2016

⁶⁶⁰ [Fiscal Impact, SB 397, 2011](#)

⁶⁶¹ [Fiscal Impact, SB 225, 2012](#)

⁶⁶² [Fiscal Impact, SB 318, 2017](#)

HOME OWNERSHIP/MORTGAGE

HOMEOWNERS' ASSOCIATIONS

VOTES

Voted For Capping Fee that Private Homeowner Associations Can Charge for Required Documents

On 02/13/2016, Herrell voted for HB 129. House Bill 129 would change the amount of the fee that homeowner associations could impose for preparation of a disclosure certificate under the act, from “reasonable charge” to \$150.00. According to the act, a disclosure certificate or statement includes: a statement disclosing the existence and terms of any right of first refusal or other restraint on the free alienability of the lot; a statement setting forth the amount of the monthly common expense assessment and any unpaid common expense or special assessment currently due and payable from the selling lot owner; a statement of any other fees payable by lot owners; a statement of any capital expenditures anticipated by the association and approved by the board for the current fiscal year and the two next succeeding fiscal years; a statement of the amount of any reserves for capital expenditures and of any portions of those reserves designated by the association for any approved projects; the most recent regularly prepared balance sheet and income and expense statement, if any, of the association; the current operating budget of the association; or a statement of any unsatisfied judgments or pending suits against the association and the status of any pending suits material to the association of which the association has actual knowledge.⁶⁶³

[HB 129](#), Voted for final passage ([RCS# 214](#))

Silver City Daily Press & Independent: A bill to cap the fee that private homeowner associations can charge for required documents has passed the House and is moving forward in the Senate. State Rep. Monica Youngblood, the sponsor of HB 129, told the Senate Public Affairs Committee on Tuesday that some management companies under contract with homeowner groups are taking advantage of their own members by imposing excessive fees when a home sells. The state now requires sellers of a property within an association — such as Eldorado or Rancho Viejo or Las Campanas — to pay for certain documents and give them to buyers. But much of the information is gathered routinely each month anyway, such as the homeowner association’s operating fund, capital reserves and pending litigation.⁶⁶⁴

IMMIGRATION

BORDER FENCE

Staunchly supported Trump’s border wall

In June 2018, Herrell campaigned on being the best GOP candidate for pushing Trump’s agenda. Herrell positioned herself as the strongest Trump ally, noting her staunch support for cutting taxes⁶⁶⁵ and

⁶⁶³ [Fiscal impact, HB 129, 2016](#)

⁶⁶⁴ “Legislative Roundup,” *Silver City Daily Press & Independent*, 2/17/2016

⁶⁶⁵ “Election to give New Mexico district its first congresswoman,” *Associated Press*, Russell Contreras, 6/7/2018

building a U.S. – Mexico border wall.⁶⁶⁶ Herrell praised Trump after her primary win, saying: "I strongly support the president, and I think he's doing a marvelous job."⁶⁶⁷

Expressed support for increasing border security

In October 2018, Herrell elaborated on her reasoning for supporting Trump's border wall, noting that an unsecured border will allow for cattle, drug, and human trafficking from Mexico. Herrell also said that other options for increasing border security included technological approaches, increased National Guard presence, and increased presence of ICE agents.⁶⁶⁸

She has supported President Trump's call for a border wall but brings a more nuanced view of a debate that is all too easy to caricature.⁶⁶⁹

'It's not just people coming across the border, the checkpoint,' she said. 'It's also the cattle that are coming back and forth. It's the drugs that are coming through our farms and ranches down there, it's drug and human trafficking. Having that voice, understanding the challenges, working with colleagues, working with constituents, that's where we'll find the solutions that will work for New Mexicans.'⁶⁷⁰

Besides the wall, some options she named were increased National Guard presence and ICE agents, as well as technology.⁶⁷¹

Called illegal immigrant from Mexico an "invasion"

In October 2018, Herrell attended a meeting for the Federated Republican Women of Lincoln County, in which she expressed support for Trump's immigration policies. Herrell referred to illegal immigration from Mexico as an "invasion," and noted that it causes unfair effects on working families.⁶⁷²

People are anxious, wondering what's going to happen, watching this mob of people coming up through Mexico," she said. "It's called an invasion and we can't allow that to happen and right now, we have president to stop that. There is a process to get into this nation and they are not going through the process. That's not fair to people working two and three jobs to put kids through school."⁶⁷³

Warned that lack of border wall with threaten American sovereignty

In November 2018, Herrell noted the importance of building Trump's border wall in New Mexico's 2nd Congressional District, citing a shortage of Border Patrol agents and lack of space in asylum facilities. Herrell also emphasized that building the wall should not be a humanitarian question, but rather an issue of national sovereignty.⁶⁷⁴

In some areas here, it's just a barbed wire fence at the border. We have a constitutional responsibility to secure our borders. This isn't about being humanitarian or not. It's a question

⁶⁶⁶ "2 congressional contests in New Mexico could make history," Russell Contreras, Associated Press, 6/6/2018

⁶⁶⁷ "2 congressional contests in New Mexico could make history," Russell Contreras, Associated Press, 6/6/2018

⁶⁶⁸ "Pressure on the campaign trail: Battle for CD2 no sweat for Herrell and Torres Small," Heath Haussamen, NMPolitics.net, 10/23/2018

⁶⁶⁹ "Pressure on the campaign trail: Battle for CD2 no sweat for Herrell and Torres Small," Heath Haussamen, NMPolitics.net, 10/23/2018

⁶⁷⁰ "Pressure on the campaign trail: Battle for CD2 no sweat for Herrell and Torres Small," Heath Haussamen, NMPolitics.net, 10/23/2018

⁶⁷¹ "Pressure on the campaign trail: Battle for CD2 no sweat for Herrell and Torres Small," Heath Haussamen, NMPolitics.net, 10/23/2018

⁶⁷² "Yvette Herrell speaks to Republicans," Dianne Stallings, Ruidoso News, 10/26/2018

⁶⁷³ "Yvette Herrell speaks to Republicans," Dianne Stallings, Ruidoso News, 10/26/2018

⁶⁷⁴ "The Daily 202: Democrats are going to win House seats today that will be difficult to defend in 2020," Washington Post, 11/6/2018

about sovereignty. It's a matter of national security. ... If we lose the House, I fear the border will stay porous.⁶⁷⁵

Attended border town hall in Deming

In January 2019, Herrell attended a border security town hall in Deming. Some speakers expressed support for a border wall and others discussed issues with people crossing the border onto their property. Herrell spoke at the event and expressed frustration with the state of the border, saying, "People are no longer the priority in this state, in this nation. This is about our sovereignty. This is about our constitution. This is about the future of our country and the future of generations to come."⁶⁷⁶

Discussed views on immigration in campaign stop

In May 2019, Herrell discussed Trump's national emergency declaration in order to get funds for a border wall. Herrell said that while she worried it could set a precedent for future administrations to take similar actions on issues like climate change and gun control, she supported Trump's national emergency declaration on the border. She said that she did not know where the money would come from but that the investment in a wall was needed, adding, "We are not in a position to sustain that type of influx of people, whether it is in New Mexico or it is in other parts of the county. . . we've got to protect our border." She also noted that more Border Patrol agents, the use of the National Guard, and more border technology could help the border crisis.⁶⁷⁷

Criticized Torres Small for ignoring "humanitarian crisis" at southern border

In May 2019, Herrell criticized Torres Small in an interview with the Carlsbad Current-Argus, saying Torres Small's performance since taking office was "not that great" and claiming that she had ignored the "humanitarian crisis" at the Mexican border. Herrell also noted that she supported Trump's efforts to build a border wall, saying, "We have a crisis at our southern border, and [Torres Small] has not been willing to say that. I support the president. We need to keep illegals out of our country. We need to put the American people ahead of politics. We're not only not looking out for the American people, but we're setting them (migrants) up on false pretenses."⁶⁷⁸

Visited Luna County, said people in Washington didn't understand border

In October 2019, Herrell visited the Luna County Republican Party office and met with constituents to discuss their concerns. Herrell said of the campaign, "At the end of the day we are working super hard. We're just continuing to travel all over and listen to what's happening. I mean, it's so unique - the challenges here, versus say, Otero or Valencia or Cibola. But the one commonality is there's great concern with what the 2020 elections will result in - with the workforce, the lack of, and the border, all big things most people talk about."⁶⁷⁹

Herrell also stressed her support for Trump and his plan to build a border wall, saying, "I go to D.C. often. I think I've gone maybe twice this year, but every time when I go back, people want to know about the border. I always have to say to them, 'it's crazy what you're seeing on your Washington-based

⁶⁷⁵ "The Daily 202: Democrats are going to win House seats today that will be difficult to defend in 2020," Washington Post, 11/6/2018

⁶⁷⁶ "Republicans vent border frustrations at town hall," Algernon D'Amassa, Las Cruces Sun-News, 3/11/2019

⁶⁷⁷ "Yvette Herrell back on the campaign trail," Alex Ross, Roswell Daily Record, 5/24/2019

⁶⁷⁸ "Can GOP take back 2nd Congressional District in 2020?" Mike Smith and Adrian Hedden, Carlsbad Current-Argus, 5/24/2019

⁶⁷⁹ "Candidate Herrell stumps in Deming; Herrell visits with Luna County Republicans," Xchelzin Peña, Deming Headlight, 10/23/2019

stations, but it's so far from reality.' They just can't understand there are still farmers and ranchers out there. They see it as some kind of TV western."⁶⁸⁰

Emphasized need for finishing border wall construction, citing decreased property values

In March 2020, Herrell said during an interview with Eyewitness News that the country needs to “finish building the wall,” citing loss of property value for families that live along the U.S. - Mexico border.⁶⁸¹

We need to finish building the wall. We have parts of this district where it's a barbed wire fence. I think we need to do more for the farmers, ranchers, families that live along the southern border because they have a loss of property value. We need to make sure that we are doing more to protect the Americans who live here, pay taxes.⁶⁸²

Discussed importance of expanding border wall in podcast appearance

In April 2020, Herrell discussed the importance of expanding the existing border wall in an appearance on the Rural Route podcast. According to DCCC tracking reports, Herrell said people in DC saw the border as a “humanitarian crisis” and were largely concerned for “the illegals.” Herrell claimed that extending the wall could “push the illegals away” and lessen “foot traffic with drugs and human trafficking.” Herrell also claimed that some lawmakers “took a vote, a party line vote, [to] allow illegals to vote” in American elections.⁶⁸³

According to the tracking report, Herrell said that illegals were “breaking every law” to get to the U.S. and were accessing services that “we don’t give to our homeless vets,” adding that border security was a move to “protect our Constitution and our nation.” She also claimed that the children of farmers couldn’t “go outside and run to the barn without a parent or a firearm.”⁶⁸⁴

Discussed border security in Q&A

In May 2020, Herrell discussed border security in a Q&A with the Albuquerque Journal. When asked if she believed the borders were already secure enough, Herrell replied, “No. I support President Trump's efforts to finish building the wall. Congress must also provide the necessary equipment, resources and tools to our USBP and ICE agents. And we must enforce the laws that clearly outline entry into our nation.”⁶⁸⁵

Discussed border security during radio debate

In May 2020, Herrell was asked about border security during a radio debate with other Republican primary candidates. According to a DCCC tracking report, Herrell said no one could have anticipated the pushback Trump received specifically from Torres Small on the construction of the border wall. Herrell said border security was important to protecting farmers and ranchers along the border and would help stop drug and human trafficking. According to the report, Herrell said she was 100% in support of finishing the wall as it would help push “the illegals” into one area that would be easier to monitor. She

⁶⁸⁰ “Candidate Herrell stumps in Deming; Herrell visits with Luna County Republicans,” Xchelzin Peña, Deming Headlight, 10/23/2019

⁶⁸¹ Eyewitness News 4 at 10, KOB NBC, Aired 1:00 AM, 3/4/2020

⁶⁸² Eyewitness News 4 at 10, KOB NBC, Aired 1:00 AM, 3/4/2020

⁶⁸³ “Radio Interview: Rural Route Radio with Yvette Herrell,” DCCC, 4/30/2020

⁶⁸⁴ “Radio Interview: Rural Route Radio with Yvette Herrell,” DCCC, 4/30/2020

⁶⁸⁵ “Q&A: Congressional District 2 Yvette Herrell,” Anthony Jackson, Albuquerque Journal. 5/5/2020

added that the border needed more boots on the ground and more technology to detect crossers. Herrell also attacked Gov. Lujan Grisham over her decision to join a lawsuit opposing a border wall.⁶⁸⁶

CHILDREN

Said that separations were an unacceptable consequence of zero-tolerance immigration policy

In June 2018, Herrell expressed concerns over the separation of immigrant children from parents in ICE detention centers. Herrell said that while she supported Trump's zero-tolerance immigration policy, the family separations were an unacceptable consequence of congressional inaction.⁶⁸⁷

Thanks to that inaction, we have a system that rewards those who violate the law and punishes those who wish to come to America legally.⁶⁸⁸

DREAM ACT

Said that DACA should be "overhauled"

In October 2018, Herrell wrote in response to the Albuquerque Journal candidate questionnaire that the Deferred Action for Childhood Arrivals program should be "overhauled," citing that it "expanded beyond the original intent."⁶⁸⁹

She also said the Deferred Action for Childhood Arrivals program needs to be overhauled, because the plan has "now expanded beyond the original intent."⁶⁹⁰

Opposed DACA, citing immigration overreach

In October 2018, Herrell said that DACA needed to be reformed, citing that it was never meant to be a pathway to citizenship. Herrell believed that while there should be a way to legalize people who had been brought to the United States illegally as children, they should not be considered for citizenship ahead of those who came to the country legally.⁶⁹¹

Herrell elaborated her views on border security and the Deferred Action for Childhood Arrivals program, other hot-button Trump issues. DACA needs reform, she said. It was never meant to be a pathway to citizenship. The application process needs to be streamlined, and there should be a way to legalize people who had been brought to the United States illegally as children — however, she said she didn't believe they should go to the front of the line over other immigrants who had sought to come to the United States legally.⁶⁹²

IMMIGRATION ENFORCEMENT

Did not support amnesty for immigrants

In October 2018, Herrell wrote in response to the Albuquerque Journal candidate questionnaire that she supported Trump's border wall proposal and opposed amnesty for undocumented immigrants.⁶⁹³

⁶⁸⁶ "GOP Debate," DCCC Tracking Report, 5/15/2020

⁶⁸⁷ "New Mexico candidates blame politics for family separations," Morgan Lee, Associated Press, 6/20/2018

⁶⁸⁸ "New Mexico candidates blame politics for family separations," Morgan Lee, Associated Press, 6/20/2018

⁶⁸⁹ "Herrell brings legislative experience, knowledge of state," Albuquerque Journal, 10/2/2018

⁶⁹⁰ "Herrell brings legislative experience, knowledge of state," Albuquerque Journal, 10/2/2018

⁶⁹¹ "New Mexico candidates blame politics for family separations," Morgan Lee, Associated Press, 6/20/2018

⁶⁹² "New Mexico candidates blame politics for family separations," Morgan Lee, Associated Press, 6/20/2018

⁶⁹³ "Herrell brings legislative experience, knowledge of state," Albuquerque Journal, 10/2/2018

"No one crossing our borders illegally should be allowed to stay in our country or state," Herrell wrote in response to the Journal's candidate questionnaire.⁶⁹⁴

Supported legal immigration

In October 2018, Herrell's campaign issued a statement discussing her support for combatting illegal immigration. The campaign cited Herrell's support for immigrants waiting to come to the U.S. legally, and noted that illegal immigration undermined their efforts.⁶⁹⁵

As the only candidate who supported President Trump from day one of his campaign, Herrell is committed to working with his administration to combat the flow of illegal immigration and secure our borders. By turning a blind eye to illegal entry into the country, we are essentially telling those who have or are patiently waiting in line to become Americans that their efforts aren't appreciated or necessary.⁶⁹⁶

Said that migrant caravans represent "acts of aggression" on the border

In October 2018, Herrell supported Trump's decision to deploy troops in response to a migrant caravan of Central Americans heading through Mexico toward the U.S. Herrell wrote on Facebook that the caravan represented "acts of aggression" on the U.S. Mexico border and disrespected immigrants attempting to enter the U.S. legally.

I am frustrated this illegal caravan of migrants is attempting to circumvent our immigration laws leapfrogging all of the Americans who came to this country the lawful way and disrespecting those still waiting in line to become citizens of our great nation.⁶⁹⁷

Discussed views on immigration in campaign stop

In May 2019, Herrell discussed her views on immigration while campaigning in Roswell. Herrell said she was not opposed to immigration generally, but "it has to be done legally." She said, "We are putting our entire state and our nation in harm's way by virtue of what is coming across the border." Herrell also said that while she worried it could set a precedent for future administrations to take similar actions on issues like climate change and gun control, she supported Trump's national emergency declaration on the border.⁶⁹⁸

Discussed views on amnesty in Q&A

In May 2020, Herrell discussed her views on undocumented people currently living in the United States in a Q&A with the Albuquerque Journal. Herrell said, "I do not support amnesty. The US has a very clear path to citizenship that has been codified into law. Those seeking to migrate to the U.S. need to go through the legal channels that are in place for that purpose."⁶⁹⁹

OTHER IMMIGRATION ISSUES

VOTES

⁶⁹⁴ "Herrell brings legislative experience, knowledge of state," Albuquerque Journal, 10/2/2018

⁶⁹⁵ "U. S. Representatives; Herrell, Torres Small," Cibola Citizen, 10/24/2018

⁶⁹⁶ "U. S. Representatives; Herrell, Torres Small," Cibola Citizen, 10/24/2018

⁶⁹⁷ "New Mexico candidates clash over Trump caravan criticism," Associated Press, 10/25/2018

⁶⁹⁸ "Yvette Herrell back on the campaign trail," Alex Ross, Roswell Daily Record, 5/24/2019

⁶⁹⁹ "Q&A: Congressional District 2 Yvette Herrell," Anthony Jackson, Albuquerque Journal. 5/5/2020

Voted For Requiring Proof of Authorized Admission into U.S. and Other Identifying Information In Order to Renew Driver's License and ID Cards

On 02/12/2015, Herrell voted for HB 32. House Bill 32 amends and enacts statutory sections within the Motor Vehicle Code, Section 66 Article 1 NMSA 1978, to establish requirements for the issuance of driver's licenses and ID cards. The proposed legislation requires an applicant who is a foreign national to provide proof of authorized admission into the United States and to supply unique, identifying information as outlined in Section 1, Subsection D of the bill. A driver's license or ID issued to a foreign national shall not be renewed unless the applicant provides evidence of authorized continued stay in the United States; no driver's license or ID issued to a foreign national shall remain valid if such authorization is revoked or terminated.⁷⁰⁰

[HB 32](#), Voted for final passage ([RCS# 4770](#))

Roswell Daily Record: Gentry said other House-approved bills languish in the Senate, such as House Bill 32, a bill that would restrict driver licenses for illegal immigrants that passed the House Feb. 12 by a 39-29 vote. . . ⁷⁰¹

VISA/ASYLUM

Said that immigration backlog should be reduced by limiting asylum seekers

In June 2019, Herrell said that while increasing the number of judges in New Mexico could help address the asylum case backlog, she believed that the U.S. should consider quotas to limit the number of asylum seekers in the country.⁷⁰²

I think all options should be on the table and maybe quotas are something we should consider in terms of limiting the number of people who can come into our nation every year seeking asylum but again, hiring more judges, of course would help.

LGBTQ

DISCRIMINATION

Claimed that preschool age children were being indoctrinated by "cross-dressers"

In April 2020, Herrell claimed in an appearance on the Rural Route podcast that children were experiencing "indoctrination" as early as preschool "so cross-dressers can read them books." Herrell said that children were confused about sexual orientation and that parents should have a choice in how the subject was brought up to their children.⁷⁰³

LOBBYING/ETHICS

ETHICS

⁷⁰⁰ [Fiscal Impact, HB 32, 2015](#)

⁷⁰¹ "House, Senate leaders spar over bill process," *Roswell Daily Record*, 3/3/2015

⁷⁰² *Eyewitness News 4 at 10*, KOB NBC, Aired 10:00 PM, 6/17/2019

⁷⁰³ "Radio Interview: Rural Route Radio with Yvette Herrell," *DCCC*, 4/30/2020

VOTES

Voted For Anti-Corruption Legislation That Would Increase Penalties for Certain Public Corruption Offenses

On 02/04/2012, Herrell voted for HB 111. House Bill 111 is anti-corruption legislation that amends various criminal statutes to increase penalties for certain public corruption offenses. The increased penalties include increasing the basic sentence of imprisonment by one year when the crime is committed by a an elected or appointed official or when any person is convicted of having an unlawful interest in a public contract or bribing a public employee, barring offenders from being lobbyists or public contractors with the state or a state agency, and forfeiting a portion of any state pension. The “public corruption” offenses covered by the bill include embezzlement, paying or receiving public money for services that were not rendered, making or permitting false vouchers, offering or receiving illegal kickbacks, and bribing public employees.⁷⁰⁴

[HB 111](#), Voted for final passage [\(RCS# 3458\)](#)

Santa Fe New Mexican: Corruption: The anti-corruption bill that has received the most traction is House Bill 111, sponsored by Rep. Nate Gentry, R-Albuquerque. It would increase criminal penalties when a crime is committed by a public official. It would also mean that officials convicted of crimes such as embezzlement, bribery and making false vouchers would not be eligible for state pensions and would not be allowed to become lobbyists. The bill passed the House on Saturday and goes on to the Senate.⁷⁰⁵

Albuquerque Journal: The House on Saturday passed a bill to increase penalties for public officials convicted of corruption-related crimes, despite debate on whether the effort would unfairly treat low-level state employees like custodians. Under House Bill 111, introduced by Nate Gentry, R-Albuquerque, state workers and elected officials would face as much as one year extra jail time for conviction on corruption-related felonies, such as embezzlement and receiving a bribe or kickback. The bill would also allow the state to recoup as much as five times the amount of state money lost to corruption from an individual's state pension and would prohibit individuals convicted of corruption from lobbying or contracting with the state for life. House Majority Leader Ken Martinez, D-Grants, questioned whether it's fair for state law to require a janitor convicted of stealing from a private company to repay only what was taken but demand that a janitor employed by the state repay through his or her pension up to five times what was taken and face an extra year an jail. . . Republican Gov. Susana Martinez praised the pas- sage. "I applaud the House of Representatives for working across party lines to help confront public corruption and I urge the Senate to act quickly on this legislation so we can work to restore New Mexicans' trust in their leaders," she said in a statement.⁷⁰⁶

Voted For Prohibiting Former Public Regulation Commission Members or Employees from Appearing Before Commission for Two Years after Employment

On 02/12/2012, Herrell voted for HB 300. House Bill 300 prohibits an employee from appearing before the PRC for two years after employment. After leaving the PRC a former commissioner or employee

⁷⁰⁴ [Fiscal Impact, HB 111, 2012](#)

⁷⁰⁵ "With 11 days left, much to do at Roundhouse," Steve Terrell, Santa Fe New Mexican, 2/5/2012

⁷⁰⁶ "House OKs Anti-Corruption Bill; Bill would increase jail time for state workers and elected officials," James Monteleone, Albuquerque Journal, 2/5/2012

shall not be employed or retained by a regulated entity, affiliated interest or intervenor within two years of separation from the PRC or represent a party before the PRC or a court in a matter that was pending before the PRC while the commissioner or employee was associated with the PRC and in which the former commissioner or employee was personally and substantially involved in the matter. The bill included an amendment stating that after leaving the PRC a former commissioner or hearing examiner, division director of the utilities division, general counsel or attorney employee be employed or retained by a regulated entity, affiliated interest or intervenor within two years of separation from the PRC. In addition, a former commissioner or hearing examiner, division director of the utilities division, general counsel or attorney employee shall not represent a party before the PRC or a court in a matter that was pending before the PRC when they were still part of the PRC.⁷⁰⁷

[HB 300](#), Voted for final passage [\(RCS# 3578\)](#)

Albuquerque Journal: The Senate voted 30-12 for a bill to shore up the teachers' pension fund. Senate Bill 150 changes retirement eligibility for future members of the Educational Retirement Board - including a minimum retirement age of 55 for those who start work after July 1, and vesting after eight years - and requires current employees to pay more into their retirement accounts. It went to the House. The House unanimously passed and sent to the Senate a bill (House Bill 300) that prohibits employees of the Public Regulation Commission from working for a regulated company for two years after leaving the PRC.⁷⁰⁸

Voted For Establishing a State Ethics Commission to Investigate Allegations of Ethical Violations by Legislators, State Elected Officials, State Workers, Lobbyists and Government Contractors

On 3/7/2013, Herrell voted for HB 190, an Act to establish a State Ethics Commission Act and create a State Ethics Commission as an adjunct agency of the executive branch. The proposed SEC would oversee the filing of complaints against state officials, state employees, government contractors and lobbyists, develop an ethics code, provide annual ethics training and issue advisory opinions.⁷⁰⁹

[HB 190](#), Voted for final passage [\(RCS# 4037\)](#)

Las Cruces Sun-News: The bill would establish an independent Ethics Commission to investigate allegations of ethical violations by legislators and other elected state officials, state workers, lobbyists and government contractors. New Mexico was one of only nine states that didn't have an independent ethics commission. The bill would create an 11-member commission appointed by legislative leaders, the governor and the chief justice of the state Supreme Court. The panel would oversee state laws governing campaign finances and lobbyist spending, as well as the Government Conduct Act. If the commission found an ethics violation, it would issue a report that could include a public reprimand or censure of a state employee. If the commission found criminal violations, the evidence would be turned over to law enforcement.⁷¹⁰

Under the bill, anyone who disclosed any confidential complaint, report, file, record or communication could be found guilty of a misdemeanor and be sentenced to up to a year in jail or a \$1,000 fine. In addition to the criminal penalties, someone who broke confidentiality could be fined up to \$25,000 in civil court. The penalties would apply to commission members and

⁷⁰⁷ [Fiscal Impact, HB 300, 2012](#)

⁷⁰⁸ "Budget Plan Heading To Full Senate," Deborah Baker, Albuquerque Journal, 2/13/2012

⁷⁰⁹ [Fiscal Impact, HB 190, 2013](#)

⁷¹⁰ "Roundhouse roundup, March 7, 2013," The New Mexican, Las Cruces Sun-News, 3/7/2013

employees as well as the person bringing the complaint. Bill sponsor Rep. Egolf said part of the bill was modeled after the law that created the Judicial Standards Commission, which conducted investigations of judges in strict secrecy. Egolf noted that he and other legislators had for several years tried to pass bills creating ethics panels.⁷¹¹

The executive director of New Mexico Foundation for Open Government said she had problems with certain aspects of the bill, saying, “We applaud Rep. Egolf’s effort, but we can’t support a proposal that allows the commission to keep almost all of its work secret – while threatening whistle-blowers with fines and jail time for speaking out. Without all the secrecy – and with more fairness – we could get behind it.”⁷¹²

Voted Against Creating State Ethics Commission to Investigate Complaints Alleging Ethics Violations

On 02/09/2016, Herrell voted against HJR 5. House Joint Resolution 5 proposes to amend the New Mexico Constitution to create the State Ethics Commission. The commission would be an independent state agency consisting of nine commissioners and would initiate, receive, and investigate complaints alleging violations regarding any law imposing ethical conduct upon state officers and employees, campaign finance laws, laws regulating lobbyists, and the disclosure requirements or standards of conduct for state contractors or seekers of state contacts. The commission would have the power to initiate complaints against state officials, state employees, government contractors and lobbyists and would have subpoena power and the power to issue advisory opinions.⁷¹³

[HJR 5](#), Voted against final passage ([RCS# 159](#))

New Mexico In Depth: A proposal that would ask voters to vote up or down an independent ethics commission cleared the House of Representatives on a 50-10 vote Tuesday night. It now heads to the New Mexico State Senate, known as the cemetery for ethics reform. Since a state task force first recommended the creation of an independent ethics commission in 2006, the New Mexico House has passed ethics committee legislation four times only to watch each proposal die in the Senate. Will the Senate go for a five-peat in 2016?⁷¹⁴

Voted For the Creation of a State Ethics Commission, amending the New Mexico Constitution

On 3/9/2017, Herrell voted for HJR 8, a Resolution that would create a State Ethics Commission, creating a new Article 25 to the New Mexico Constitution. The state ethics commission is established as an independent state agency under the discretion of seven commissioners, no more than three of whom may be members of the same political party, whose appointment, terms, qualifications and membership shall be as provided by law. The state ethics commission may initiate, receive, investigate and adjudicate complaints alleging violations of, and issue advisory opinions concerning, standards of ethical conduct and other standards of conduct and reporting requirements, as may be provided by law, for state officers and employees of the executive and legislative branches of government, candidates or other participants in elections, lobbyists or government contractors or seekers of government contracts and have such other jurisdiction as provided by law. The commission may require the attendance of

⁷¹¹ “Roundhouse roundup, March 7, 2013,” The New Mexican, Las Cruces Sun-News, 3/7/2013

⁷¹² “Roundhouse roundup, March 7, 2013,” The New Mexican, Las Cruces Sun-News, 3/7/2013

⁷¹³ [Fiscal Impact, HJR 5, 2016](#)

⁷¹⁴ “Ethics commission heads to Senate, aka cemetery for ethics reform,” Trip Jennings, New Mexico In Depth, 2/10/2016

witnesses or the production of records and other evidence relevant to an investigation by subpoena as provided by law and have other powers and duties and administer or enforce other acts.⁷¹⁵

[HJR 8](#), Voted for final passage ([RCS# 358](#))

Albuquerque Journal: The bill would create a constitutional amendment that would create an independent ethics commission. New Mexico was one of eight states without an independent ethics commission. The bill would establish a seven-member board empowered to investigate allegations of misconduct against elected officials, candidates, state employees, lobbyists, contractors and others. It would also issue advisory opinions on how to handle ethical questions and have the power to obtain documents and require witnesses to attend hearings. The commission wouldn't act take action unless it had support from five of the seven members.⁷¹⁶

LOBBYING

VOTES

Voted Against Requiring Lawmakers and Public Officials to Wait Two Years after Leaving Office Before Returning as A Paid Lobbyist

On 2/13/2014, Herrell voted against HB 82, an Act that would amend the Lobbyist Regulation Act (LRA) to prohibit former PRC commissioners, former legislators and former cabinet secretaries from accepting compensation as lobbyists for a period of two calendar years following the end of their service. The bill also prohibits employers of lobbyists from compensating elected officials for a period of two calendar years after service and imposes a misdemeanor criminal penalty if violated. The bill would apply to all persons who hold office of statewide elected official, public regulation commissioner, state legislator or cabinet secretary on or after July 1, 2014.⁷¹⁷

[HB 82](#), Voted against final passage ([RCS# 4479](#))

Albuquerque Journal: The bill would enact a two-year "cooling-off) period before former New Mexico legislators. The bill's sponsor, Rep. Emily Kane (D), said temporarily barring lawmakers from becoming lobbyists would help restore public trust in the Legislature. House GOP Leader Donald Bratton said, "It's feel-good legislation because the general public has no idea about the role lobbyists play here."⁷¹⁸

Voted For Prohibiting Former Legislators and Statewide Officials from Becoming Lobbyists for Two Years after Leaving Office

On 03/09/2015, Herrell voted for HB 241. House Bill 241 amends the Lobbyist Regulation Act (LRA) to prohibit former PRC commissioners, former legislators and former cabinet secretaries from accepting compensation as lobbyists for a period of calendar two years following the end of their service. In addition, HB 241 prohibits employers of lobbyists from compensating elected officials for a period of two calendar years after service and imposes a misdemeanor criminal penalty if violated. HB 241 would

⁷¹⁵ [Fiscal Impact, HJR 8, 2017](#)

⁷¹⁶ "House backs independent ethics panel; Unanimous vote moves constitutional issue to Senate; Legislature 2017," Dan McKay, Albuquerque Journal, 3/10/2017

⁷¹⁷ [Fiscal Impact, HB 82, 2014](#)

⁷¹⁸ "Cooling-off" period for lobbying clears House; Similar bills stalls in Senate committee," Dan Boyd, Albuquerque Journal, 2/14/2014

apply to all persons who hold the office of statewide elected official, public regulation commissioner, state legislator or cabinet secretary on or after July 1, 2015.⁷¹⁹

[HB 241](#), Voted for final passage ([RCS# 5019](#))

Silver City Daily Press & Independent: Stopping the revolving door: A common career path for legislators — becoming a lobbyist after leaving office — would be slowed down under a bill that the House passed Monday by a wide, bipartisan margin. The House voted 57-10 to pass House Bill 241, sponsored by Rep. Jim Dines, R-Albuquerque. The bill would prohibit legislators, statewide officials, Public Regulation Commission members and Cabinet secretaries from becoming paid lobbyists during a two-year “cooling off” period. Employers would be prohibited from paying such officials to lobby until the two-year moratorium ends. Former officials wouldn’t be stopped from lobbying without pay on issues they are interested in. Gov. Susana Martinez, who has called for such legislation, already bans her Cabinet secretaries from lobbying for two years. The House has passed similar bills in the past, but those have died in the Senate.⁷²⁰

Voted For Amending Lobbyist Registration Act to Require Increased Lobbyist Disclosures and Quicker Turnarounds in Reporting Lobbying Registrations

On 03/07/2015, Herrell voted for HB 155. House Bill 155 amended the Lobbyist Registration Act, making changes including increasing the lobbyist registration fee to \$50 per year, requiring the SOS to publish the registration statement no more than five days after registration, requiring lobbyists to disclose legislative or administrative issues for which the lobbyist is employed, requiring expenditure statements and lobbyist expense reports, and clarifying what reporting requirements apply to any lobbyist. The bill also requires lobbyist reports to be preserved online for at least ten years. The House Regulatory and Public Affairs Committee added an amendment that would remove requirements for listing separate receipts and for filling “lobbying expense reports.”⁷²¹

[HB 155](#), Voted for final passage ([RCS# 5009](#))

Silver City Daily Press & Independent: A Senate committee on Wednesday struck another blow against House Bill 155, a lobbyist reform bill sponsored by Rep. Jeff Steinborn, D-Las Cruces. The Senate Rules Committee amended the bill to get rid of a requirement for lobbyists to disclose what issues they are lobbying for. If it passes in its current form, New Mexico will remain one of seven states that do not require lobbyists to make such a disclosure. Previously, a House Committee cut off a provision of the original bill that would have required lobbyists’ employers to disclose how much money they are paying their lobbyists in the Legislature. The bill, technically, is still alive. Steinborn told The New Mexican on Wednesday he still thinks it’s important to pass the measure. One part that hasn’t been chopped off yet is a requirement for the Secretary of State’s Office to maintain a searchable database of lobbyist reports and keep them online for at least 10 years.⁷²²

Voted For Archiving and Making Audio and Visual Recordings of Legislative Meetings Available

⁷¹⁹ [Fiscal Impact, HB 241, 2015](#)

⁷²⁰ “Legislative Roundup,” Silver City Daily Press & Independent, 3/10/2015

⁷²¹ [Fiscal Impact, HB 155, 2015](#)

⁷²² “Legislative Roundup,” Silver City Daily Press & Independent, 3/19/2015

On 02/16/2016, Herrell voted for HB 301. House Bill 301 adds a new section to Section 2-3-8 NMSA 1978, requiring Legislative Council Service (LCS) to archive and make available audio and visual recordings of legislative meetings to its website and makes minor grammatical changes.⁷²³

[HB 301](#), Voted for final passage ([RCS# 271](#))

Silver City Daily Press & Independent: Immediately before passing this rule change, the House voted 61-0 to pass HB 301, sponsored by Rep. Alonzo Baldonado, which would require both the House and Senate to archive all floor and committee sessions for five years. However, that bill would have to be approved by the Senate.⁷²⁴

Voted For Requiring Lawmakers to Wait Two Years After Leaving Office Before Returning as Paid Lobbyists

On 2/28/2017, Herrell voted for HB 73, an Act that would create a new section of the Lobbyist Reporting Act (LRA) restricting for two years certain former public officials from becoming compensated lobbyists. The restrictions are placed on former state public officers, former public regulation commissioners, former legislators and former cabinet secretaries for two years after their service in these capacities. The bill would also prohibit directly or indirectly compensating a former official to lobby the state for an entity for which the official served or worked for a period of two years after the official ceased working for that entity. The bill also prohibits an official from having a contract to lobby for compensation, the state entity with which the official served or worked. A violation of these proposed provisions constitutes a misdemeanor.⁷²⁵

[HB 73](#), Voted for final passage ([RCS# 233](#))

Albuquerque Journal: The bill would require New Mexico lawmakers to wait two years after leaving the Legislature before returning as paid lobbyists. Proponents of the legislation said the revolving-door practice erodes public trust in government by allowing former legislators to cash in on their expertise and connections with former colleagues. However, opponents argued that legislators would deny lawmakers who did not receive a salary in the legislature, but did get per diem payments, a valid career path after leaving the legislature.⁷²⁶

MARIJUANA

HEMP PRODUCTION

VOTES

Voted Against Creating a New Mexico Industrial Hemp Research and Development Fund

On 2/15/2017, Herrell voted against HB 144, an Act that created the New Mexico industrial hemp research and development fund, which consisted of revenue collected by NMDA in administration of the

⁷²³ [Fiscal Impact, HB 301, 2016](#)

⁷²⁴ "Legislative Roundup," Silver City Daily Press & Independent, 2/17/2016

⁷²⁵ [Fiscal Impact, HB 73, 2017](#)

⁷²⁶ "'Cooling-off' period backed for ex-lawmakers; Legislators would have to wait a year to be lobbyists," Dan Boyd, Albuquerque Journal, 3/14/2017

program and any donations, grants, and income earned from investment of the fund. The bill specifies the enumeration of marijuana in the Controlled Substances Act does not apply to industrial hemp.⁷²⁷

[HB 144](#), Voted against final passage ([RCS# 133](#))

Silver City Daily Press & Independent: The bill would legalize research on industrial hemp in New Mexico. Backers of hemp research said they wanted to make sure New Mexico farmers were positioned to take advantage of a hemp industry once Congress removed federal restrictions. In 2015, Governor Martinez said she believed a similar proposal would complicate life for police because hemp was a cousin of the marijuana plant.⁷²⁸

LEGALIZATION

Said she opposed federal legalization during candidate forum

In April 2020, Herrell said she opposed legalizing marijuana on the federal level during a candidate forum moderated by the Lea County Republican Women. According to a DCCC tracking report, Herrell said there were “too many questions” and said “there is no sobriety test for our law enforcement to use” to detect marijuana. She also cited concerns about insurance premiums and how marijuana may act as a “gateway to more deliberate drug use.”⁷²⁹

MEDICAL MARIJUANA

VOTES

Voted Against Creating Medical Cannabis Fund

On 02/15/2012, Herrell voted against SB 240. Senate Bill 240 creates the medical cannabis fund. The bill would create a non-reverting fund in the state treasury to be administered by the Department of Health. Revenue in the fund would be generated from fees collected by the medical cannabis program and interest income. The bill stipulates the fund cannot be used for capital expenditures. Money in the fund shall be disbursed on warrants signed by the secretary of finance and administration pursuant to vouchers signed by the secretary of health or the secretary of health’s designee. A Senate Finance Committee amendment to the bill stipulated that the medical cannabis fund would revert to the general fund any unspent balances, and a Senate Floor Amendment declared an emergency to make the bill effective immediately if signed.⁷³⁰

[SB 240](#), Voted against final passage ([RCS# 3629](#))

Santa Fe New Mexican: Medical pot funding passes: A bill to set into law a funding mechanism for the state medical marijuana program passed the House on Wednesday and now goes to Gov. Susana Martinez for her signature. Senate Bill 240, sponsored by Sen. Cisco McSorley, D-Albuquerque, would create a Medical Marijuana Fund sustained by the producer and patient production licensing fees currently being collected by the Department of Health. Supporters stress that this fund would require no additional money because it would come from existing

⁷²⁷ [Fiscal Impact, HB CS 144, 154 & 280, 2017](#)

⁷²⁸ “Legislative Roundup,” The New Mexican, Silver City Daily Press & Independent, 3/8/2017

⁷²⁹ “Candidate Forum with Chris Mathys,” DCCC, 4/25/2020

⁷³⁰ [Fiscal Impact, SB 240, 2012](#)

fees. The bill passed the House by a vote of 38-27. It passed the Senate unanimously earlier in the session.⁷³¹

Voted For Allowing Use, Dispensing and Possession of FDA-Approved Medical Marijuana Derivations
On 02/07/2018, Herrell voted for HB 139. House Bill 139 would exempt the use, dispensing, possession, prescribing, storage, or transport of a prescription drug approved by the U.S. Food and Drug Administration containing marijuana, a tetrahydrocannabinol derivative, or a chemical derivative of a tetrahydrocannabinol, as a schedule I substance in the Controlled Substances Act. The bill contains compilation instructions and contingent effective date sections.⁷³²

[HB 139](#), Voted for final passage [\(RCS# 98\)](#)

New Mexico House Democrats: Bipartisan legislation that Health & Human Services Committee Chairwoman Debbie Armstrong introduced with Rep. Monica Youngblood to allow New Mexicans access to FDA-approved marijuana-derivative medications passed the New Mexico Senate on Wednesday, and is now headed to the governor's desk. Specifically, HB 139 amends the Controlled Substances Act and enacts a new section of state law to allow, without penalty, the "dispensing, possession, prescribing, storage or transport of a prescription drug that the United States food and drug administration has approved and that contains marijuana, a tetrahydrocannabinol derivative or a chemical derivative of tetrahydrocannabinol."⁷³³

MINIMUM WAGE

INCREASES

Noted that she opposed a prior state minimum wage increase

In July 2018, Herrell urged members of the Chaves County Republican Federated Women to be "awake and aware," warning that the conservative agenda and Trump presidency were at stake in the 2nd district's congressional race. Herrell noted that she was willing to stand up to party leadership, citing when she opposed a minimum wage increase supported by Republican Gov. Susana Martinez.⁷³⁴

Opposed Republican minimum wage increase under right-to-work bill

In October 2018, Herrell wrote in response to the Albuquerque Journal candidate questionnaire that she supported limited government, which prompted her to oppose Republicans when a minimum wage increase was included in a "right-to-work" bill. Herrell said that the decision caused her grief, but "it was the right thing to do."⁷³⁵

I caught some grief over that, but at the end of the day it was the right thing to do.⁷³⁶

VOTES

⁷³¹ "Legislative roundup, Feb. 16, 2012," Santa Fe New Mexican, 2/16/2012

⁷³² [Fiscal Impact, HB 139, 2018](#)

⁷³³ "Bipartisan Bill to Allow Access to Approved Marijuana-Derivative Meds Heads to Gov's Desk," Targeted News Service, 2/14/2018

⁷³⁴ "Candidates rally local Republicans," Alex Ross, Roswell Daily Record, 7/18/2018

⁷³⁵ "Herrell brings legislative experience, knowledge of state," Albuquerque Journal, 10/2/2018

⁷³⁶ "Herrell brings legislative experience, knowledge of state," Albuquerque Journal, 10/2/2018

Voted Against Increasing State Minimum Wage to \$8.50 An Hour

On 03/15/2013, Herrell voted against SB 416. Senate Bill 416 increases the state minimum wage of \$7.50 an hour to \$8.50 an hour effective January 1, 2014. House Floor Amendment #1 of the bill struck previous Senate and House committee amendments and reincorporated language that employers with ten or fewer employees and employers with trainee employees pay a minimum wage of \$7.50 an hour. House Floor Amendment #2 to the bill set a minimum wage of \$7.50 for interns, employees of schools or universities while the employee was attending the school, apprentices and trainees.⁷³⁷
[SB 416](#), Voted against final passage ([RCS# 4249](#))

New Mexico Senate Democratic Caucus (Press Release): Today, the New Mexico House of Representatives voted to pass SB 416, raising New Mexico's minimum wage. SB 416 will raise the New Mexico minimum wage from \$7.50 to \$8.50. SB 416 passed the House of Representatives with a vote of 37 - 32, and is now on the way to Governor Martinez for her signature. SB 416, the Minimum Wage Increase, would affect about 100,000 workers in New Mexico. This bill would not only help thousands of New Mexico families, but would also bring a much-needed boost to the New Mexico economy. Robust conversation throughout the bill's hearings in recent months included testimony by economists who highlighted the raise's positive impact on job growth and benefits to local businesses.⁷³⁸

Voted Against Adding a New Section to the New Mexico Constitution to Require that the State Minimum Wage Rate Be Increased in an Amount Equal to the Total Increase in the Cost of Living

On 2/19/2014, Herrell voted against SJR 13, a Resolution that would add new section to Article 20 of the Constitution of New Mexico to require that the state minimum wage rate in effect on January 1, 2014 be increased in an amount equal to the total increase in the cost of living from January 1, 2009 through the date of the election in which this amendment is adopted. The minimum wage would then be adjusted annually to account for increases in the cost of living. The minimum wage may not be adjusted downward due to a reduction in the cost of living. The joint resolution also requires that tipped employee not be paid wages less than 60 percent of the minimum wage so long as the tips, combined with wages, reach the minimum wage amount.⁷³⁹

[SJR 13](#), Voted against final measure ([RCS# 4625](#))

Las Cruces Sun-News: The bill would add a constitutional amendment that would have raised the minimum wage, with continuing raises in future years tied to inflation. The resolution would have set the initial wage based on the increase in the Consumer Price Index since the last time the minimum wage was raised. It was expected to be about \$8.30 an hour. The wage would have increased every year after that, based on the Consumer Price Index. Wages for tipped employees would have been set at 30 percent of the minimum wage and would also increase to keep pace with inflation.⁷⁴⁰

Excused From a Vote to Increase the Minimum Wage from \$7.50 an Hour to \$9.25 an Hour

⁷³⁷ [Fiscal Impact, SB 416, 2013](#)

⁷³⁸ "New Mexico House of Representatives Votes to Pass Minimum Wage Increase SB 416...", New Mexico Senate Democratic Caucus, 3/15/2013

⁷³⁹ [Fiscal Impact, SJR 13, 2014](#)

⁷⁴⁰ "Minimum wage measure falls three votes short," Walter Rubel, Las Cruces Sun-News, 2/19/2014

On 3/3/2017, Herrell was excused from a vote on HB. 442, an Act that proposed five substantive changes to New Mexico's Minimum Wage Act: 1) Raises the statewide minimum wage rate from \$7.50 an hour to \$9.25 an hour. 2) Raises the tipped-employee minimum wage from \$2.13 an hour to 40 percent of HB 442's new statewide minimum wage rate. 3) Bars employers from lowering the hourly rate of employees solely because they already make more than HB 442's new minimum wage rates. 4) HB 442 specifically does not preempt cities and counties from enacting or keeping in effect higher minimum wage rates than those called for by HB 442. 5) However, HB 442 does not specifically preempt cities, counties and other political subdivisions of the state from enacting or keeping laws that regulate the schedule of work hours that private-sector employers provide their employees.⁷⁴¹

[HB 442](#), Was excused from final passage ([RCS# 272](#))

Albuquerque Journal: The bill would raise the minimum wage to \$9 an hour. New Mexico had not increased its minimum wage since 2009, during a debate, majority House Democrats described the bill as a compromise that would help low-income workers without crippling business owners. Rep. Antonio "Moe" Maestas (D) said, "This is the No. 1 economic bill of the session. It's not unreasonable." The bill would not allow businesses to pay a lower training wage during a worker's first two months, and it would also increase the wage for tipped employees, primarily waiters and waitresses, from \$2.13 an hour to \$3.70 an hour. The bill would also not affect New Mexico cities, like Santa Fe, that already had local minimum wages higher than \$9.25 an hour, but it would prohibit cities and counties from adopting laws that regulate how private employers could schedule their workers. Just one House Republican voted in favor of the legislation, and just one Democrat voted against it.⁷⁴²

MINORITY ISSUES

HISPANIC VOTERS

Discussed Hispanic outreach at event in Lincoln County

In January 2020, Herrell discussed her strategy to attract conservative Hispanic voters. Herrell said her campaign was working with Latinos for Trump, adding, "They are saying I don't necessarily have to change my party, but to pay closer attention to those who protect my values. Most people are result-driven. It doesn't matter the heritage or background when they see results in the right direction."⁷⁴³

NATIVE AMERICAN ISSUES

OTHER ISSUES

Did not make Cherokee heritage a staple of her campaign

In November 2018, Herrell noted that she did not make her Cherokee Nation membership a focus of her campaign, because she wanted the race to be about the issues rather than her heritage.⁷⁴⁴

⁷⁴¹ [Fiscal Impact, HB 442, 2017](#)

⁷⁴² "House votes to raise minimum wage to \$9.25; Senate OK'd boost to \$9; it's unclear whether governor would sign either bill; Legislature 2017," Dan Boyd, Albuquerque Journal, 3/4/2017

⁷⁴³ "Republicans Herrell, Chase speak at Lincoln County GOP meeting," Dianne Stallings, Ruidoso News, 1/15/2020

⁷⁴⁴ "Two NM Native women running races; Haaland, Herrell both seeking Congressional seats,"

I want people to vote for me because of my experience, what I bring to the table, not because I have a portion of Native American blood in me. I don't think that qualifies me one way or another.⁷⁴⁵

VOTES

Voted For Reviewing Cultural Properties Act and Making Recommendations Protecting Cultural Items from Theft and Wrongful Sale

On 02/05/2016, Herrell voted for HJM 1. House Joint Measure 1 resolves that, pursuant to federal and state law and policy, the attorney general and cultural affairs department work with tribal and community leaders to review the Cultural Properties Act and make recommendations about enhanced protection of cultural items, including preventing misappropriation of cultural items, theft, wrongful sale, and alienation of cultural items.⁷⁴⁶

[HJM 1](#), Voted for final passage ([RCS# 100](#))

Gallup Independent: Also for Native American Day, the House on Friday passed House Joint Memorial 1, which asks the attorney general and the state Cultural Affairs Department to work with tribal and community leaders to review the Cultural Properties Act and make recommendations to improve protection of cultural items and to prevent their theft and sale. Rep. Georgene Louis, D-Albuquerque, who is a member of Acoma Pueblo, said existing federal laws need stiffer penalties to discourage the thefts.⁷⁴⁷

Was Absent for Vote Supporting Transfer of Property to National Park Service for National Monument Devoted to Fort Wingate

On 02/15/2018, Herrell was absent for the vote on HM 92. House Memorial 92 supports a transfer of real property from the U.S. Department of the Interior's Bureau of Indian Affairs to the National Park Service for the creation of a national monument devoted to Fort Wingate, its history and its long-reaching impact.⁷⁴⁸

[HM 92](#), Was absent for vote on final passage ([RCS# 286](#))

Gallup Independent: The House passed House Memorial 92, which asks for the transfer of 495 acres from the U.S. Bureau of Indian Affairs to the National Park Service for a national monument devoted to Fort Wingate and its history. The sponsors were Reps. Eliseo Alcon, D-Milan, Wonda Johnson, D-Gallup and Harry Garcia, D-Grants.⁷⁴⁹

OIL/GAS

DOMESTIC LEASES

Albuquerque Journal, 11/4/2018

⁷⁴⁵ "Two NM Native women running races; Haaland, Herrell both seeking Congressional seats,"

Albuquerque Journal, 11/4/2018

⁷⁴⁶ [Fiscal Impact, HJM 1, 2016](#)

⁷⁴⁷ "Suicide prevention plan finds support, not money," Sherry Robinson, Gallup Independent, 2/6/2016

⁷⁴⁸ [Fiscal Impact, HM 92, 2018](#)

⁷⁴⁹ "Session ends on high note, no blow ups," Sherry Robinson, The Gallup Independent, 2/17/2018

Said she opposed strict regulations on oil and gas industry; claimed emissions were decreasing

In May 2019, Herrell discussed the oil and gas industry in an interview with the Carlsbad Current-Argus. Herrell said she opposed increasingly strict regulations on the oil and gas industry, adding, “Emissions from oil and gas have been going down.”⁷⁵⁰

Discussed her position on leasing of federal land for oil and gas development

In May 2020, Herrell discussed her position on leasing of federal lands for oil and gas development in an Q&A with the Albuquerque Journal. Herrell said, “We need to further streamline the permitting process for leasing federal land for development that will boost our economy. We can have responsible development while also protecting archaeological sites like Chaco Canyon and other historically significant places in our beautiful state.”⁷⁵¹

Discussed how oil and gas could boost economy during pandemic

In May 2020, Herrell discussed how the oil and gas industry could get the state’s economy back on track amidst the coronavirus pandemic during a radio debate with other Republican primary candidates. According to a DCCC tracking report, Herrell said the industry was essential for the state and the nation and said it was important to ensure that new projects could be processed quicker. She also said Trump understood the importance of the industry and had done great work to help it.⁷⁵²

FRACKING

Discussed fracking bans in Q&A

In May 2020, Herrell discussed her stance on fracking bans in a Q&A with the Albuquerque Journal. Herrell said, “I do not support fracking bans or any other regulatory burdens that are placed on the industry. Oil and gas is the life-blood of New Mexico’s budget and employs over 100,000 people in New Mexico. I fully support our energy producers and the oil and gas industry.”⁷⁵³

Called fracking “safe technology”

In May 2020, Herrell defended fracking in New Mexico in an interview with the Albuquerque Journal. Herrell said fracking “is a proven and safe technology that has allowed New Mexico to become a global energy leader, while keeping energy costs low.” She added, “I believe we can strike a balance between responsible development of energy resources while still protecting our important cultural sites.”⁷⁵⁴

FEDERAL REGULATIONS

Supported limiting regulations for oil and gas businesses

In September 2018, Herrell discussed the role of limiting government in addressing rural economic needs. Herrell noted that federal regulations on health, safety, and the environment excessively limit New Mexico industries such as oil and gas.⁷⁵⁵ Herrell opined that the Bureau of Land Management burdened oil and gas companies in New Mexico with a lengthy drilling permit process, which threatened the state’s competitiveness on a national scale.

⁷⁵⁰ “Can GOP take back 2nd Congressional District in 2020?,” Mike Smith and Adrian Hedden, Carlsbad Current-Argus, 5/24/2019

⁷⁵¹ “Q&A: Congressional District 2 Yvette Herrell,” Anthony Jackson, Albuquerque Journal, 5/5/2020

⁷⁵² “GOP Debate,” DCCC Tracking Report, 5/15/2020

⁷⁵³ “Q&A: Congressional District 2 Yvette Herrell,” Anthony Jackson, Albuquerque Journal, 5/5/2020

⁷⁵⁴ “Feuding GOP CD2 candidates aren’t far apart on issues,” Scott Turner, Albuquerque Journal, 5/19/2020

⁷⁵⁵ “Herrell addresses rural needs; Congressional candidate emphasizes family values and limited government,” Adrian Hedden, Carlsbad Current-Argus, 9/6/2018

We have a lot of small businesses in New Mexico that have been the backbone of the state when oil and gas was in the bust mode. Now we see the growth there, but we can also do more to improve the economy by workforce, less regulation. We can streamline the processing. We can stop duplicating regulatory problems and issues.⁷⁵⁶

Herrell opined that the Bureau of Land Management burdened oil and gas companies in New Mexico with a lengthy drilling permit process, which threatened the state's competitiveness on a national scale.

These permits should not be taking four to six to eight months to get done when you can go right next door to Texas and have them done in four to six days, a few weeks at most," she said. "Clearly there is a problem there, and we're prohibiting the ability for New Mexico to stay competitive with our neighboring states."⁷⁵⁷

TAX BREAKS

Expressed support for industry deregulation at Carlsbad Energy Summit

In September 2018, Herrell attended the Carlsbad Mayor's Energy Summit, where she said that "deregulation is key" to supporting oil and gas companies. Herrell pledged to reduce government red tape if elected into office.⁷⁵⁸

Said that New Mexico needs to diversify from tax on oil and gas in order to maintain college grads

In June 2018, Herrell spoke with Action 7 News about how she planned to fight the "brain drain" and keep college graduates from leaving New Mexico. Herrell suggested that the "brain drain" was a matter of tax reform and reliance on oil and federal assistance.⁷⁵⁹

On the state level, we do pass tax reform. We do pass measures that will brighten the state and future as it relates to economic development. We need to diversify from what we are doing right now in terms of not relying so heavily on gas and oil and federal money, quite frankly.

OTHER

Praised Grants oil refinery plans

In July 2018, Herrell attended Rep. Steve Pearce's announcement of plans for the oil refinery in Grants. Herrell praised the refinery plans, citing the arising economic opportunity for Cibola County. Herrell also noted that the refinery will create opportunities for children who don't go to college.⁷⁶⁰

Because of the support of this leadership, the county and the communities, there's an opportunity. We are at the cusp, right at the doorstep, of economic opportunity. We're right at the doorstep of changing things for the better.⁷⁶¹

⁷⁵⁶ "Herrell addresses rural needs; Congressional candidate emphasizes family values and limited government," Adrian Hedden, Carlsbad Current-Argus, 9/6/2018

⁷⁵⁷ "Herrell addresses rural needs; Congressional candidate emphasizes family values and limited government," Adrian Hedden, Carlsbad Current-Argus, 9/6/2018

⁷⁵⁸ "Candidates court local oil, gas vote; Political hopefuls tout importance of industry for state," Adrian Hedden, Carlsbad Current-Argus, 9/6/2018

⁷⁵⁹ Action 7 News, KOAT ABC, Aired 7:00 AM, 6/2/2018

⁷⁶⁰ "Pearce says refinery is not a dream, but soon a reality," Dana Martinez, The Gallup Independent, 8/7/2018

⁷⁶¹ "Pearce says refinery is not a dream, but soon a reality," Dana Martinez, The Gallup Independent, 8/7/2018

TAXES

OTHER TAX CUTS

Ran as a strong Trump ally who will cut taxes

In June 2018, Herrell campaigned on being the best GOP candidate for pushing Trump's agenda. Herrell positioned herself as the strongest Trump ally, noting her staunch support for cutting taxes⁷⁶² and building a U.S. – Mexico border wall.⁷⁶³ Herrell praised Trump after her primary win, saying: "I strongly support the president, and I think he's doing a marvelous job."⁷⁶⁴

Supported by Heritage Action for America, which provided advertising on GOP tax reform

In August 2018, conservative group Heritage Action for America announced that they planned to invest in Herrell's campaign for the U.S. House. Heritage Action provided chosen candidates with direct mail, online advertising, and TV ads that pushed for GOP tax reform.⁷⁶⁵

OTHER TAX ISSUES

VOTES

Voted Against Closing Tax Loopholes including Taxing Internet Businesses without Physical Presences and Closing Loopholes for Hospitals and Motor Vehicle Ownership

On 2/22/2017, Herrell voted against HB 202, an Act that would close tax loopholes, generate tax revenue, and reduce distributions in a number of areas including: 1) Closing the loophole and leveling the playing field to allow collection of gross receipts tax (GRT) on internet sales. 2) Leveling the playing field in the healthcare industry through comprehensive healthcare tax reform and creation of a 60% "universal deduction." 3) Increasing the motor vehicle excise tax from 3 percent to 4 percent. 4) Repealing the deduction of GRT on sales to nonprofit organizations. 5) Reducing monthly distributions to the legislative retirement fund and clarifying the distributions are from receipts of oil and gas withholding. 6) Adding a second part to the fee for weight distance tax applications – a \$90 permit fee.⁷⁶⁶

[HB 202](#), Voted against final passage ([RCS# 190](#))

Gallup Independent: The bill would raise more than \$130 million over two years for state and local governments through a "revamp of the gross receipts tax on health care providers, among those industries that benefited from the many holes in that tax." At the time, the tax was only applied to for-profit hospitals and only to some of their receipts. Hospital administrators suggested the tax be expanded to nonprofit and government facilities and the proceeds earmarked for Medicaid. The bill extended the tax to all hospitals, but also eliminated some of the exemptions for certain services and opted for taxing 40 percent of all revenues. In addition,

⁷⁶² "Election to give New Mexico district its first congresswoman," Associated Press, Russell Contreras, 6/7/2018

⁷⁶³ "2 congressional contests in New Mexico could make history," Russell Contreras, Associated Press, 6/6/2018

⁷⁶⁴ "2 congressional contests in New Mexico could make history," Russell Contreras, Associated Press, 6/6/2018

⁷⁶⁵ "Conservative DC group throws money to McGrath's opponent, 11 other Republicans," Katie Glueck, McClatchy Washington Bureau, 8/8/2018

⁷⁶⁶ [Fiscal Impact, HB 202, 2017](#)

it would not earmark the revenues. The healthcare industry raised concerns with certain provisions.⁷⁶⁷

Voted For Making Modifications to the Gross Receipts Tax, Compensating Tax, Income Taxes, and Other Taxes, Eliminating a Range of Tax Exemptions, Deductions and Credits

On 3/8/2017, Herrell voted in favor of HB 412, an Act that made modifications to the gross receipts tax (GRT), compensating tax, income taxes, and other taxes. It removes a significant portion of the tax pyramiding that remained in GRT and lower GRT rates by eliminating a wide range of tax exemptions, deductions, and credits and changing other tax revenue sources that under the bill, would result in impacts to GRT rates.⁷⁶⁸

[HB 412](#), Voted for final passage [\(RCS# 340\)](#)

Albuquerque Journal: The bill closed a series of tax loopholes and deductions in the state’s system of gross receipts taxes, which were levied on the sale of most goods and services. It would remove exemptions in the code and “help produce new revenue in the coming fiscal year, but without increasing the basic tax rate.”⁷⁶⁹

Voted For Tax Package Including Prevention of Double Taxation on Gasoline and Diesel, Increasing Angel Investment Credits, Creating Income Tax Deduction for Certain Uncompensated Medical Care Expenses, and Others

On 03/17/2015, Herrell voted for an amended version of SB 386. The original bill amends the fuel tax refund provisions of Sections 7-13-11 and 7-16A-13 NMSA 1978 to prevent instances of double taxation in which a claim for refund of taxes paid on gasoline or special fuels (diesel) is denied in certain limited circumstances. Those circumstances involve tax paid on gasoline or diesel previously received from a source different than a refiner or pipeline terminal. The bill provides a mechanism to refund the gasoline or diesel excise tax paid on the fuel by someone other than the claimant.⁷⁷⁰

An amendment added by the House Ways and Means Committee inserted several other tax-related provisions. These included: allowing the Taxation and Revenue Department to reveal tax return information to an authorized representative of a local government of another state who is charged with the responsibility for administration of that state’s tax law; increasing the annual amount of Angel Investment Credits that can be issued to an aggregate \$2 million and eliminates some restrictions on the type and number of investments that can be made and still be eligible for the Angel Investment credits; creating an income tax deduction for certain unreimbursed or uncompensated medical care expenses; creating a new deduction from net income of an estate or trust for certain income sequestered within the overall trust or estate that is set aside for future distributions to a nonresident individual; revising the due date for corporate income tax (CIT) and franchise tax filing and payment for electronic submissions to allow extra time to file if filing electronically; amending the Uniform Division of Income for Tax Purposes Act (UDITPA) to allow optional single-sales income apportioning for corporate income tax (CIT) for taxpayers whose principal business activity in the state is a headquarters operation; and restoring the gross receipts tax (GRT) deduction for trade-support companies that first locate in

⁷⁶⁷ “Hospital tax revamp a sound choice for New Mexico,” Rep. Patricia Lundstrom, Gallup Independent, 3/4/2017

⁷⁶⁸ [Fiscal Impact, HB 412, 2017](#)

⁷⁶⁹ “Gov., lawmakers inch toward budget deal; Legislature 2017,” Dan McKay, Dan Boyd, Albuquerque Journal, 3/9/2017

⁷⁷⁰ [Fiscal Impact, SB 386, 2015](#)

a border zone in fiscal years 2016-2021.⁷⁷¹

[SB 386](#), Voted for final passage ([RCS# 5162](#))

Santa Fe New Mexican: State lawmakers appear ready to move forward with a new set of tax breaks, even though state revenues are uncertain and the cost may in fact be twice the amount now available for granting tax cuts. The package was assembled in the House as a way to bring together an amalgam of small incentives into one bill, as part of Senate Bill 386. This is a much smaller version of the tax-cut legislation that the Legislature passed on the final day of the 2013 session. The 2015 bill started as a simple three-page measure by Sen. Stuart Ingle, R- Portales, to prevent double taxing of gasoline in certain circumstances, which had no significant revenue impact to the state. It is now a 33-page bill with seven separate tax cuts that has passed the House 59-0. As it now stands, the bill eliminates from estate and trust taxation revenues received from oil and gas as well as property rents; reduces some gross receipts taxes for certain businesses investing in a zone along the state's border with Mexico; provides a technology and research tax credit; cuts taxes for certain fuel and specialty sales to the Department of Defense; and expands what is called the "Angel Investment Tax Credit" for startup companies. Altogether these reductions would cost the state \$4.2 million in fiscal year 2016, rising to \$12 million in four years, according to an analysis of the bill. There is also a cost to municipalities, especially Albuquerque, with the loss of gross receipts tax revenue. But the cost to the state for the largest portion of the tax bill, a change that would allow a deduction on personal income tax returns for unreimbursed or uncompensated medical care, is unknown. According to an analysis of the bill, legislative economists cannot quantify the cost of the deduction to the general fund, the main pot of money used to fund government services and education.⁷⁷²

Voted For Requiring Consensus Revenue Estimating Group to Compile Tax Expenditure Budget and Dedicated Revenue Budget and Report Both to Governor

On 03/13/2013, Herrell voted for SB 7. Senate Bill 7 provides a new section of the Tax Administration Act that requires the consensus revenue estimating group (CREG) to compile a tax expenditure budget and a dedicated revenue budget for the next fiscal year and provide a mandatory reporting of these two reports to the governor, the legislative interim revenue stabilization and tax policy committee and the legislative finance committee no later than October 15th of each year. The annual report will include those tax expenditures chosen by the CREG, provided that all tax expenditures with revenue impacts of more than \$1 million dollars in the aggregate for a specific tax expenditure shall be reported before the end of the five-year period following the effective date of the provisions of this section, and each five-year period thereafter.⁷⁷³

[SB 7](#), Voted for final passage ([RCS# 4185](#))

Las Cruces Sun-News: Tax loopholes: The Legislature on Wednesday passed a bill that would require an annual study of "tax expenditures." The final stop for Senate Bill 7, sponsored by Sen. Tim Keller, D-Albuquerque, and Rep. Luciano "Lucky" Varela, D-Santa Fe, was the House, which approved it 58-10. The bill would require a study of all state tax deductions and credits. If the bill is signed into law, the executive branch would have to determine the purpose, year of enactment and total cost of tax breaks; the number of jobs created by each tax expenditure;

⁷⁷¹ [Fiscal Impact, SB 386, 2015](#)

⁷⁷² "Lawmakers eye tax breaks despite uncertain revenues," Bruce Krasnow, *Santa Fe New Mexican*, 3/19/2015

⁷⁷³ [Fiscal Impact, SB 7, 2013](#)

and the number of businesses relying on a particular tax break. The Legislature has passed similar bills at least twice before, only to see them vetoed by two governors, Varela noted. Last year, following her veto, Gov. Susanna Martinez issued an executive order calling for such a study. A study was released last year, but many, including Varela and Keller, said it was incomplete.⁷⁷⁴

SEVERANCE TAX PERMANENT FUND

VOTES

Voted For Phasing In Reductions of Statutory Limits of Senior and Supplemental Tax Bond Capacities

On 03/03/2015, Herrell voted for HB 236. House Bill 236 amends the Severance Tax Bonding Act to phase in reductions the statutory limits of both senior and supplemental severance tax bond capacities in order to increase the amount of revenue deposited into the severance tax bonding fund that is transferred to the severance tax permanent fund semiannually. The bill is endorsed by the Investments and Pensions Oversight Committee. The bill provides that the amount of severance tax deposits into the severance tax bonding fund that may be used to determine bonding capacity be the lesser of prior-year or current year deposits as estimated by the State Board of Finance. Between FY15 and FY19, the bill would reduce statutory capacity for senior severance bonds from 50% to 46.4%, statutory capacity for long-term supplemental severance tax bonds from 62.5% to 58.9%, and statutory capacity for short-term supplemental severance tax bonds from 95% to 85.8%.⁷⁷⁵

[HB 236](#), Voted for final passage [\(RCS# 4951\)](#)

Gallup Independent: HB 236, by Rep. Jason Harper, R-Rio Rancho, and Sen. Carlos Cisneros, D-Questa, would reduce severance tax bond capacities, which would increase revenues to the severance tax permanent fund. This means that a variety of entities using the fund to finance their projects would have less money for ten years, but the total in the fund would climb. The problem is that the fund could be permanently reduced because not enough money flows in to support spending Legislative Session from the fund, according to the State Investment Council. Under the bill, the Severance Tax Permanent Fund would increase by \$389.6 million over 10 years and would reap \$106.4 million more in interest earnings. TIF, created by law in 2006, earmarks 5 percent of severance tax bond capacity. Over its existence, the program has invested more than \$69 million in 156 projects that benefited 54 tribal communities, according to the Indian Affairs Department.⁷⁷⁶

TRADE

NAFTA/USMCA

Supported Trump's renegotiated NAFTA agreement

In October 2018, Herrell expressed support for Trump's renegotiated NAFTA trade agreement, citing the positive effects on the dairy industry.⁷⁷⁷

⁷⁷⁴ "Legislative roundup: March 13, 2013," Las Cruces Sun-News, 3/13/2013

⁷⁷⁵ [Fiscal Impact, HB 236, 2015](#)

⁷⁷⁶ "Pretty medians versus water: Infrastructure fund debated," Sherry Robinson, The Gallup Independent, 3/5/2015

⁷⁷⁷ "Pressure on the campaign trail: Battle for CD2 no sweat for Herrell and Torres Small," Heath Haussamen, NMPolitics.net, 10/23/2018

It's working. The dairy industry saw a huge uptick in the price for a gallon of milk. So I think the excitement in seeing these agreements being redone and putting America on a level playing with our trade partners is huge.⁷⁷⁸

Authored op-ed in support of USMCA

In June 2019, Herrell wrote an op-ed in support of the USMCA. Herrell noted that New Mexico's economy "depends on trade with Mexico and Canada" and that "sixty-three thousand New Mexico jobs are supported by" trade with neighboring countries. Herrell added that New Mexico benefited "from the tremendous economic activity surrounding [the state's] multiple ports of entry that [are shared] with Mexico." Herrell said the USMCA would allow all the state's trade and export numbers to grow. The full op-ed is located in the appendix.⁷⁷⁹

TARIFFS

Discussed tariffs at campaign stop in Roswell

In May 2019, Herrell discussed the Trump administration's move to raise tariffs on Chinese imports. Herrell said she believed Trump understood the importance of fair trade agreements and said, "I trust what this administration is doing." Herrell also said she had spoken to businesses in the district and thought that they would be willing to absorb some short term pain if it led to fairer trade deals in the long run. She said, "I think, by and large, Americans will understand this is a good thing for America."⁷⁸⁰

TRADE AGREEMENTS

Discussed trade agreements in Q&A

In May 2020, Herrell discussed what trade agreements she would like to see in addition to the recently-passed USMCA. Herrell said, "I would favor any new trade agreements which, like the USMCA, expanded markets for American products while leveling the playing field for American workers."⁷⁸¹

TRANSPORTATION

AMTRAK/MASS TRANSIT

VOTES

Voted Against Allowing Oil & Gas Revenue to Help Pay for Amtrak's Southwest Chief Running Through the Northeast Portion of New Mexico

On 2/17/2014, Herrell voted against HB 241, an Act that proposed that the Board of Finance (BOF) may issue and sell severance tax bonds in fiscal years 2015 through 2025 up to \$40 million, up to \$4 million in any fiscal year, when the New Mexico Department of Transportation (NMDOT) certifies the need for issuance, with proceeds appropriated to a new southwest chief rail service fund (to include other

⁷⁷⁸ "Pressure on the campaign trail: Battle for CD2 no sweat for Herrell and Torres Small," Heath Haussamen, NMPolitics.net, 10/23/2018

⁷⁷⁹ "USMCA a good choice for America," Yvette Herrell, Carlsbad Current-Argus, 6/21/2019

⁷⁸⁰ "Yvette Herrell back on the campaign trail," Alex Ross, Roswell Daily Record, 5/24/2019

⁷⁸¹ "Q&A: Congressional District 2 Yvette Herrell," Anthony Jackson, Albuquerque Journal, 5/5/2020

donations and investment income from that fund). The BOF must find the project sufficiently developed and able to go to contract in a reasonable time.⁷⁸²

[HB 241](#), Voted against final passage ([RCS# 4568](#))

Las Cruces Sun-News: The bill would use oil and gas revenue to help New Mexico pay its share to keep Amtrak's Southwest Chief running through the northeast portion of the state. Several representatives said they don't need a formal study to convince them that losing the Southwest Chief would hurt economies in rural Northern New Mexico.⁷⁸³

DRIVER'S LICENSE

VOTES

Voted For Requiring Full Name and Social Security Number, Passport Number or Visa Number when Applying for Driver's License

On 03/04/2011, Herrell voted for HB 78. House Bill 78 requires a person applying for a driver's license to provide a full "legal" name and a social security number (SSN), except that applicants ineligible for a SSN or a foreign national shall provide the unique identifying number of the applicant's valid passport, valid visa or other arrival-departure record or document issued by the federal Department of Homeland Security. The SSN alternative documentation shall show the expiration date of the foreign national's authorized period of admission or extension of stay. The Taxation and Revenue Department (TRD) is allowed to issue a foreign national driver's license only for the duration of the foreign national's authorized period of admission or extension of stay. This substitute also provides similar requirements for the issuance of an identification card to foreign nationals, and requires that both drivers' licenses and IDs contain the applicant's full legal name. The substitute grants authority to promulgate rules related to these new provisions.⁷⁸⁴

[HB 78](#), Voted for final passage ([RCS# 2903](#))

Albuquerque Journal: New Mexico moved a step closer to prohibiting foreign nationals from obtaining driver's licenses, as members of the House of Representatives voted Friday to effectively overturn a 2003 state law. The battle over the politically charged issue, which Gov. Susana Martinez has made a top priority during the 60-day legislative session, now moves on to the state Senate. The 42-28 vote taken Friday after two days of grueling debate demonstrated the newfound clout of House Republicans, who picked up eight seats in last fall's elections. However, eight Democrats broke party ranks to help give Republicans the votes necessary to approve the legislation. Martinez, the state's first-term Republican governor, touted the vote as expressing the will of New Mexicans. . . The legislation, a revised version of House Bill 78, would not revoke the New Mexico licenses currently held by more than 82,000 foreign nationals. It would allow for temporary driving privileges for individuals in the country legally on student or work visas, but would effectively bar illegal immigrants from getting new licenses.⁷⁸⁵

⁷⁸² [Fiscal Impact, HB 241, 2014](#)

⁷⁸³ "House approves bill to keep Southwest Chief on track in New Mexico," Patrick Malone, Las Cruces Sun-News, 2/17/2014

⁷⁸⁴ [Fiscal Impact, HB 78, 2011](#)

⁷⁸⁵ "House Rejects Illegals' Licenses; 8 Dems Join GOP in Bid To Overturn 2003 Law," Dan Boyd, Albuquerque Journal, 3/5/2011

Santa Fe New Mexican: Immigrant driver's license pingpong: There was another vote Tuesday on what has proven to be the most controversial bill of the session. By a margin of 30 to 40, the House failed to concur to Senate amendments on House Bill 78, which in its original form would have banned illegal immigrants from getting driver's licenses. The House will send a message to the Senate telling it of the House's decision not to accept the Senate changes. After that occurs, the Senate can withdraw its changes. If that doesn't happen, the two chambers will appoint members to sit on conference committee to attempt to work out the differences.⁷⁸⁶

Voted For Requiring Social Security Number, Passport or Visa Number when Applying for Driver's License

On 02/08/2012, Herrell voted for HB 103. House Bill 103 requires a person applying for a driver's license to provide a social security number (SSN) or, if the applicant is a foreign national and ineligible for a SSN, the unique identifying number of the applicant's valid passport, valid visa or other arrival-departure record or document issued by the federal Department of Homeland Security and the expiration date of the foreign national's authorized period of admission or extension of stay. The TRD is allowed to issue a foreign national driver's license (DL) only for the duration of the foreign national's authorized period of admission or extension of stay. The bill removes language allowing for the use of a tax identification number in lieu of an SSN. Also removed is the authority for the secretary of the to establish by regulation other documents that may be accepted as a substitute for an SSN or an individual tax identification number. The bill also provides similar requirements for the issuance of an ID card to foreign nationals, and requires that both DLs IDs contain the applicant's full legal name. This proposal does grant authority to promulgate rules related to these new provisions. Finally, the bill also makes it a felony for a foreign national applicant to provide a false or fraudulent document or to obtain a license and then sell it to another individual. And knowingly fraudulent issuance of an ID, driver's license or vehicle or vessel registration of title is raised to the level of a third-degree felony.⁷⁸⁷

The bill also contained three House Floor amendments. The first clarifies that the penalty for fraudulently issuing an ID or license applies to private retail agents and other contractors of the Motor Vehicle Division. The second specifies that an arrival-departure record or similar documents be included in documents required for applications from foreign nationals. The third clarifies that it is a felony to receive a permit, license or provisional license then transfer the document to another person.⁷⁸⁸

[HB 103](#), Voted for final passage ([RCS# 3491](#))

Santa Fe New Mexican: The state House of Representatives on Wednesday once again voted to pass a bill that would repeal the state law that allows undocumented immigrants to get New Mexico driver's licenses. The bill, strongly supported by Republican Gov. Susana Martinez but labeled a wedge issue by some Democratic opponents, now goes to the Senate. The Senate last year heavily amended a similar House bill, effectively killing it, and many expect that to happen again. Following a nearly four-hour debate, the House voted 45-25 to pass House Bill 103, sponsored by Rep. Andy Nunez, I-Hatch. Wednesday's vote represented a larger margin of support for repeal in the House than last year. Three Democrats who voted against last year's bill -- Rep. Nick Salazar of Espanola, Henry "Kiki" Saavedra of Albuquerque and George Dodge of

⁷⁸⁶ "Legislative roundup, March 16, 2011," Santa Fe New Mexican, 3/16/2011

⁷⁸⁷ [Fiscal Impact, HB 103, 2012](#)

⁷⁸⁸ [Fiscal Impact, HB 103, 2012](#)

Santa Rosa -- voted for HB 103. A total of 11 Democrats joined all 34 House Republicans and independent Nunez in backing the bill.⁷⁸⁹

El Paso Times: With days left in New Mexico's legislative session, Gov. Susana Martinez faces the prospect of losing almost all of her high-profile initiatives. Martinez, a Republican facing a Democrat-controlled Legislature, already has been defeated on public safety, government consolidation, anti-abortion and crime bills that she endorsed. Still ahead is a legislative showdown on the state law that enables undocumented immigrants to receive driver's licenses. Martinez wants the law repealed, and she has invested much of her energy and political capital in that initiative. Democrats in the state Senate -- many accusing Martinez of playing politics rather than seeking a solution to an emotion-charged issue -- stand in her way. They say a compromise is in order, but so far Martinez has showed no interest in supporting one. The House of Representatives has approved the repeal, 45-25, but that bill will never pass the Senate, said Rep. Al Park, D-Albuquerque, who voted for it.⁷⁹⁰

Voted For Increasing Number of Times an Applicant Can Take a Driver's License Text

On 02/13/2012, Herrell voted for HB 261. House Bill 261 strikes language limiting the number of times a commercial driver's license (CDL) applicant may take a knowledge/skills test to three times per year. New language allows a CDL applicant to retest as often as desired provided that, if the applicant's score is 50% or less of a passing score (80%), the test is not attempted more than once in a 24 hour period.⁷⁹¹
[HB 261](#), Voted for final passage ([RCS# 3595](#))

Santa Fe New Mexican: If at first you don't succeed: So you're trying to get a commercial driver's license, but you've already flunked the knowledge/skills test three times this year. Relax. Under HB 261, sponsored by Rep. Richard Vigil, D-Las Vegas, the number of times an applicant can take the test in a year would be increased from three to six -- but no more than once in any given month. The bill passed the House by a vote of 59-8. It goes on to the Senate.⁷⁹²

Voted For Issuing Driver's Licenses and ID Cards Compliant to REAL ID Act of 2005 and Driving Privilege Cards for Foreign Nationals Without Documentation

On 01/27/2016, Herrell voted for HB 99. House Bill 99 amends and enacts statutory sections of the Motor Vehicle Code to provide for the issuance of driver's licenses and ID cards able to meet federal requirements and to be accepted by federal agencies for official purposes pursuant to the REAL ID Act of 2005 as well as a driving privilege card for foreign nationals without evidence of lawful presence in the United States. The bill provides that a "citizen or national" may only apply for a driver's license or ID that meets federal standards. For eligibility to receive a REAL ID compliant license or ID, foreign nationals must demonstrate proof of authorized legal presence in the United States. A license or ID issued to a foreign national will expire on the date that proof of legal presence expires.⁷⁹³
[HB 99](#), Voted for final passage ([RCS# 37](#))

⁷⁸⁹ "House sends immigrant driver's license bill to Senate," Steve Terrell, Santa Fe New Mexican, 2/9/2012

⁷⁹⁰ "New Mexico Gov. Martinez's initiatives sinking in Legislature," Milan Simonich, El Paso Times, 2/13/2012

⁷⁹¹ [Fiscal Impact, HB 261, 2012](#)

⁷⁹² "Legislative Roundup," Santa Fe New Mexican, 2/14/2012

⁷⁹³ [Fiscal Impact, HB 99, 2016](#)

Las Cruces Sun-News: House Bill 99 - which passed the House on a 39-30 vote - would require residents to obtain driver's licenses that comply with requirements of the federal Real ID law and would require the verification of citizenship. Applicants who lack proof of immigration status would be issued driving privilege cards that would have to be renewed annually.⁷⁹⁴

INFRASTRUCTURE

Called for more investment in infrastructure of southeast New Mexico

In May 2019, Herrell called for more investment in the infrastructure of southeast New Mexico, where oil and gas developments provided a budget surplus of roughly \$2 billion to the state. Herrell said, "Those funds can be matched by federal dollars. The money from oil and gas is spent across the state, and this part of the state should see more of that coming back. New Mexico doesn't have to be and shouldn't be last in everything."⁷⁹⁵

VOTES

Voted For Authorizing the New Mexico Finance Authority to Make \$2 Billion In Loans from the Public Project Revolving Fund for 125 Infrastructure Projects

On 2/10/2014, Herrell voted for HB 12, an Act that authorized the New Mexico Finance Authority (NMFA) to make loans from the public project revolving fund (PPRF) for 125 qualified state, local, and political subdivision entities statewide for infrastructure project.⁷⁹⁶

[HB 12](#), Voted for final passage ([RCS# 4413](#))

The Gallup Independent: The bill authorized the New Mexico Finance Authority to make \$2 billion in loans from the Public Project Revolving Fund for 125 infrastructure projects. The bill listed the projects included as building, equipment, infrastructure, deb refinance, road, land acquisition, water, wastewater, water rights and solid waste projects.⁷⁹⁷

SURFACE TRANSPORTATION

VOTES

Voted For Creating Transportation Network Company Services Act to Regulate Businesses like Uber and Lyft within New Mexico

On 03/12/2015, Herrell voted for HB 272. The bill creates the Transportation Network Company Services Act in an effort to ensure the safety, reliability, and cost-effectiveness of non-taxicab transportation network company (TNC) services within New Mexico. A TNC is defined as an entity licensed pursuant to this act that uses a digital network or software application to connect passengers to the services provided by TNC drivers. The bill indicates that the goal is to preserve and enhance access to these transportation options for residents and visitors to the state. The bill raises the annual transportation company network permit fee to \$10,000, requires TNC drivers to have personal auto insurance covering their driving by 01/15/2016, requires verification that all drivers are 19 years of age or older, prohibits

⁷⁹⁴ "Senate may slow down governor's bills," Steve Terrell, Las Cruces Sun-News, 2/1/2016

⁷⁹⁵ "Can GOP take back 2nd Congressional District in 2020?" Mike Smith and Adrian Hedden, Carlsbad Current-Argus. 5/24/2019

⁷⁹⁶ [Fiscal Impact, HB 12, 2014](#)

⁷⁹⁷ "Pass HB 147 (and the budget)," The Gallup Independent, 2/12/2017

additional charges for disabled passengers, and allows motor vehicle insurance policies to exclude coverage while a vehicle is being used for a TNC service.⁷⁹⁸

[HB 272](#), Voted for final passage ([RCS# 5081](#))

Silver City Daily Press & Independent: Smartphone rides: Ride services like Uber and Lyft won a victory Thursday when the House voted by a wide, bipartisan margin to pass a bill to give the ride services a legal foothold in the state. House Bill 272, sponsored by Rep. Monica Youngblood, R-Albuquerque, passed by a 56-8 vote. Youngblood argued that the bill would give New Mexicans better transportation options and help reduce drunken driving. Uber and Lyft, which are pushing for the bill, book riders through smartphone applications. Contract drivers using their personal cars respond to online ride requests and transport customers, sharing revenue with the companies. The companies already are operating in Santa Fe, Albuquerque and Las Cruces, even though the state Public Regulation Commission has issued a cease-and-desist order against at least one of them. Traditional taxi companies have been fighting the bill. House Minority Leader Brian Egolf, D-Santa Fe, told House members Thursday he is worried the bill is unfair to established cab companies. The bill would require “transportation network companies” to pay an annual permit fee of \$10,000 to the Public Regulation Commission. It would establish requirements for drivers related to safety records and criminal history, and require drivers to have valid driver’s licenses and insurance, and be at least 19 years old. All payments and tips would have to be done electronically, so drivers would be prohibited from accepting any cash. There would be a zero tolerance policy for drug or alcohol use by drivers.⁷⁹⁹

Voted For Strengthening Regulations and Requirements for Transportation Network Companies Like Lyft and Uber

On 02/18/2016, Herrell voted for the Senate Judiciary Committee Substitute for SB 254 and HB 168. The bill combined HB 168 and SB 254. It increased regulations and safety requirements around transportation network companies (TNCs) like Uber and Lyft. Provisions included requiring TNCs to display online the make, model and license plate’s state of issuance of driver vehicles, requiring TNCs to send receipts within 24 hours, strengthening zero-tolerance policies regarding harassment and driver conduct, increasing the minimum driver age to 21, and ensuring that TNC insurance would cover driver accidents if drivers’ insurance coverage lapsed.⁸⁰⁰

[HB 168](#), Voted for final passage ([RCS# 347](#))

Silver City Daily Press & Independent: Uber vote: The House on Wednesday passed a bill to clarify regulations for smart-phone-based ride-hailing companies like Uber and Lyft. It was a lopsided, bipartisan vote of 58 to 8. House Bill 168 sponsor Rep. Monica Youngblood, R-Albuquerque, said the state needs to modernize its laws and argued that such ride businesses can “keep our roads safe by giving people an alternative to getting behind the wheel after having too much to drink.” The bill, which goes to the Senate, would require such companies to conduct rigorous background checks on drivers and require drivers and the company to obtain adequate insurance coverage in case of accident or injury.⁸⁰¹

⁷⁹⁸ [Fiscal Impact, HB 272, 2015](#)

⁷⁹⁹ “Legislative Roundup,” Silver City Daily Press & Independent, 3/13/2015

⁸⁰⁰ [Fiscal Impact, HB 168, 2016](#)

⁸⁰¹ “Legislative Roundup,” Silver City Daily Press & Independent, 2/9/2016

Voted Against Requiring Two Registration Plates for Each Vehicle in New Mexico

On 02/10/2018, Herrell voted against HB 158. House Bill 158 requires that two registration plates are issued for each vehicle in New Mexico. The bill requires the Taxation and Revenue Department (TRD) to issue a registration plate until two legible plates have been issued. In addition to the standard rear registration plate, this bill requires an additional registration plate be attached to the front of a vehicle. The bill also provides for TRD to collect a fee of \$2 for each year.⁸⁰²

[HB 158](#), Voted against final passage ([RCS# 158](#))

Santa Fe New Mexican: Sponsored by Rep. Patricio Ruiloba, a Democrat and former Albuquerque Police Department officer, House Bill 158 would have raised the vehicle registration fee by \$2 a year starting in 2018 and require a front-end license plate starting in 2022. New Mexico is one of 19 states that require only a single license plate on each vehicle. And as crime has risen, Ruiloba has argued the bill is a commonsense measure to address crime.⁸⁰³

TRUMP

IMPEACHMENT

Opposed impeachment of Trump

In September 2019, Herrell reacted to the announcement of a formal impeachment inquiry into Trump. Herrell said, “Nancy Pelosi and her radical socialist allies know they can't beat President Trump at the ballot box, so now they are trying to impeach him over a phone call they didn't hear and haven't seen the transcript of. I will continue to stand in strong support of our President as I have always done, and I know that everyday hardworking New Mexicans will see through this stunt for the political charade it is.”⁸⁰⁴

Criticized Torres Small for “slippery political rhetoric” around impeachment

In October 2019, Herrell defended Trump amidst the House impeachment inquiry. Herrell said, “There is zero evidence President Trump committed any impeachable or illegal offense despite how badly Nancy Pelosi and her radical allies want him unjustly removed from office.” Herrell also criticized Torres Small for her use of “slippery political rhetoric” around the inquiry.⁸⁰⁵

Criticized Torres Small for yes vote on impeachment

In November 2019, Herrell criticized Torres Small after her vote in support of formalizing an impeachment inquiry into Trump. Herrell said Torres Small and her “socialist allies in Congress” should have focused on “collaborating with President Trump to improve Americans’ lives.” She added, “Xochitl Torres Small just proved once and for all that her moderate rhetoric and bipartisan posturing have been a charade all along.”⁸⁰⁶

⁸⁰² [Fiscal Impact, HB 158, 2018](#)

⁸⁰³ “Legislative roundup, Feb. 11, 2018,” The Santa Fe New Mexican, 2/11/2018

⁸⁰⁴ “Delegation, candidates react to impeachment,” Algernon D’Ammassa, Alamogordo Daily News, 9/26/2019

⁸⁰⁵ “GOP hopefuls for key US House seat dismiss impeachment talk,” Russell Contreras, AP, 10/1/2019

⁸⁰⁶ “Torres Small votes yes on impeachment inquiry,” Michael McDevitt, Las Cruces Sun-News, 11/1/2019

Said Torres Small’s impeachment “charade” was wearing thin

In December 2019, Herrell criticized Torres Small for supporting the impeachment of Trump, saying that Torres Small’s impeachment “charade” was wearing thin with voters. She said of Torres Small, “I think disappointment would be the understatement. . . She ran in the midterm as a moderate Democrat, that she would work [for] the people of New Mexico, protect our industries, our culture, our way of life. She’s anything but a moderate, her voting record is 93 percent of the time with Nancy Pelosi.”⁸⁰⁷

Authored op-ed criticizing Torres Small’s impeachment vote

In December 2019, Herrell authored an op-ed in the Las Cruces Sun-News criticizing Torres Small for her vote in favor of impeachment. The full op-ed is located in the appendix. Herrell called impeachment a “highly partisan, orchestrated process” and said Torres Small’s real priority was “overturning the results of the 2016 election and removing President Trump from office.” She also said Trump’s phone call to Ukraine showed “no corruption whatsoever” and referred to the Mueller investigation as the “Russia fantasy.”⁸⁰⁸

UNIONS

LABOR STANDARDS

VOTES

Voted For Requiring Employers to Make Reasonable Accommodations for Pregnant Women

On 3/14/2017, Herrell voted for HB 179, an Act that would enact the Pregnant Worker Accommodation Act required employers to make reasonable accommodations to employees with a need arising from a person’s pregnancy or childbirth or a related medical condition unless to do so would cause the employer undue hardship. Employers are generally prohibited from refusing to make reasonable accommodations or from making job-related decisions based on a need arising from the employee’s pregnancy, childbirth or related medical condition, or from requiring pregnant employees to take leave when reasonable accommodations might enable them to work. Employers are required to give written notice of pregnant employees’ rights to job applicants and new employees and to all existing employees within 120 days, and within ten days of an employee notifying her employer that she is pregnant. Employers cannot disclose the reason for accommodations granted an employee under the Act.⁸⁰⁹

[HB 179](#), Voted for final passage [\(RCS# 441\)](#)

Albuquerque Journal: The bill required employers to make reasonable accommodations for pregnant women.⁸¹⁰

RIGHT TO WORK

VOTES

⁸⁰⁷ “Yvette Herrell: Democrat Xochitl Torres Small’s Impeachment ‘Charade’ Wearing Thin for New Mexicans,” Newstex Blogs, 12/9/2019

⁸⁰⁸ “Torres Small joins Democrats who are trying to sabotage Trump,” Yvette Herrell, Las Cruces Sun-News, 12/18/2019

⁸⁰⁹ [Fiscal Impact, HB CS CS 179, 2017](#)

⁸¹⁰ “Bill to block local labor ordinance stalls; Capital Notebook,” Albuquerque Journal, 3/15/2017

Voted For Making Required Labor Organization Membership or Requiring Labor Organization Approval for Hiring a Misdemeanor Offense

On 02/25/2015, Herrell voted for the HJC substitute for HB 75. The bill would create the Employee Preference Act, declaring it a misdemeanor offense to require membership in a labor organization, or to require a labor organization's recommendation or approval for hiring, promotion or continued employment. The bill gives the district attorney and the attorney general the right to investigate and enforce the act, including bringing injunctive action against violators. The bill proposes to amend several sections in the Public Employee Bargaining Act by declaring that public employees may refuse assessments to charges to a charity or other third party in lieu of payment to a labor organization and deleting the definition of "fair share" dues. The bill includes a minimum wage of \$8.00 an hour with a trainee employer a rate no less than \$7.50 an hour for a period of not more than 6 months.⁸¹¹

[HB 75](#), Voted for final passage ([RCS# 4874](#))

Albuquerque Journal: A New Mexico right-to-work bill that has reignited old economic arguments and fanned partisan flames was shot down Tuesday in a Senate committee, leaving its path to final approval blocked with less than two weeks left in the 60-day legislative session. The proposed change in state labor laws was derailed on a 5-3 party-line vote in the Senate Public Affairs Committee, after majority Democrats thwarted a GOP attempt last week to have the House-approved legislation sent to the full Senate for a vote. The proposed New Mexico law would mean nonunion employees - in both the private and public sectors - would not have to pay union fees as a condition of employment. Though union membership cannot be required under federal law, such fees can be mandated under contracts in unionized workplaces. Critics of the right-to-work legislation, House Bill 75, described it as a politically driven measure that would lower the wages of New Mexico workers.⁸¹²

Associated Press: A New Mexico Senate panel has voted along party lines to stop the advance of a bill that prohibits requiring workers to pay fees as a condition of employment. The Public Affairs Committee voted 5-3 Tuesday to table the measure that has drawn scores of people to the Capitol for hearings. The vote effectively blocking the bill came after hours of testimony and debate over weeks on a hot-button issue that has taken center stage during this legislative session. The proposal also included a 50-cent-per-hour minimum wage increase to \$8 and would have applied to the public and private sectors. The GOP-controlled House passed the legislation 37-30 last month. The Democratic leadership in the Senate said it was united in stopping the bill. The measure was referred last week to three Senate panels over the objection of Republicans, who were unsuccessful in forcing a hearing before the full Senate. "It's extremely disappointing that the Democrat-controlled Senate would choose obstruction over a common-sense compromise that would raise the minimum wage and give our workers the freedom to choose whether they financially contribute to a union," bill sponsor Rep. Dennis Roch, R-Logan, said in a statement. Supporters say the measure would bring more businesses and much-needed jobs to New Mexico. Opponents counter that it will hurt workers by bringing down wages and undermining unions.⁸¹³

⁸¹¹ [Fiscal Impact, HB 75, 2015](#)

⁸¹² "Senate committee tables right-to-work bill; Democrats block House-passed measure as session nears end," Dan Boyd, Albuquerque Journal, 3/11/2015

⁸¹³ "New Mexico Senate panel tables right-to-work bill," Vik Joly, AP, 3/11/2015

Santa Fe New Mexican: House Republicans tried to capitalize politically on the same issue of better pay for the lowest-paid workers. They tacked a 50-cent increase in the minimum wage onto their unrelated bill to outlaw compulsory fees for workers who don't want to join a union. The sweetener only added to criticism of the Republicans' bill. Opponents said combining union fees and a minimum-wage increase into one bill was unconstitutional, as well as a poorly disguised effort to trap Democrats into voting against the proposed pay increase. Democrats on the Senate Public Affairs Committee blocked the bill in a 5-3, party-line vote.⁸¹⁴

VETERANS/TROOPS

EMPLOYMENT

VOTES

Voted For Creating \$1,000 Tax Credit for Full-Time Employers of Qualified Military Veterans

On 02/11/2012, Herrell voted for HB 10. House Bill 10 provides a business owner with a \$1,000 tax credit for wages paid to each qualified military veteran who is employed full time in New Mexico by the taxpayer. If the veteran is employed for less than a full year, the credit for that year is reduced based on the fraction of the year the veteran was actually employed. The taxpayer may not claim the credit for any individual qualified military veteran for more than one calendar year from the date of hire. Multiple employers may not claim a credit for more than one year in total for the same qualified employee. Employment must begin within two years of discharge from the military, although any rehabilitation for a service-connected disability will be disregarded. Post-discharge rehabilitation for a service-connected disability would also count in the 2-year period. This bill also amends the Corporate and Franchise Tax Act to provide a similar credit.⁸¹⁵

[HB 10](#), Voted for final passage ([RCS# 3544](#))

Albuquerque Journal: The governor's tax credit to business owners who hire Iraq and Afghanistan veterans (HB10/154) passed the House and was pending in the Senate. Tax incentives for the Tres Amigas SuperStation, linking the nation's three major electrical grids (HB116), passed the House and was pending in the Senate. Each house passed a version of a uranium tax break for Urenco USA near Eunice, but the same bill must pass both houses (SB23, HB70). Still in committees as of Saturday evening: the governor's proposals to eliminate gross receipts taxes on small businesses (HB189) and give tax breaks for construction (HB184) and manufacturing (HB256); a tax break for military pensions (HB162, SB129).⁸¹⁶

VOTING/ELECTIONS

ABSENTEE VOTING

Said she was glad state party was taking proactive stance on absentee ballots

⁸¹⁴ "Victories scarce as 60-day legislative session's end nears," Milan Simovich, Santa Fe New Mexican, 3/20/2015

⁸¹⁵ [Fiscal Impact, HB 10, 2012](#)

⁸¹⁶ "2012 Legislature; The clock winds down," Deborah Baker, Albuquerque Journal, 2/12/2012

In November 2019, Herrell commented on the Republican Party of New Mexico’s decision to seek an injunction to stop the counting of absentee ballots in Doña Ana County over concerns that state and local officials were ignoring ballot qualification requirements. The party believed that officials had opened absentee ballots with incomplete voter information and mixed them in with completed absentee ballots instead of setting them aside to be examined. Herrell said she was glad the party was being proactive, adding, “I feel the voters will be vindicated.”⁸¹⁷

Claimed Nancy Pelosi was using absentee ballots to “infuse fraud” into voting system

In April 2020, Herrell criticized support for the use of absentee ballots during the coronavirus pandemic in an appearance on the Rural Route podcast. According to DCCC tracking reports, Herrell said that because “the collusion didn’t work, the impeachment didn’t work,” Nancy Pelosi was using the coronavirus pandemic to push mail-in or absentee ballots as “another way to infuse fraud into the voting system.”⁸¹⁸

ELECTIONS

VOTES

Voted Against Consolidating Local Elections to First Tuesday in November of Odd-Numbered Years and Creating Local Election Fund to Cover Cost of Elections Held Under Act

On 02/10/2018, Herrell voted against the House Local Government, Elections, Land Grants and Cultural Affairs Committee Substitute for HB 98. The bill enacts the Local Election Act (Sections 16-34) which amends the election code to consolidate the conduct of local elections to be held on a single day: the first Tuesday after the first Monday in November of each odd-numbered year. The Act creates a uniform process for these elections. Consolidated elections will take place for school districts, community college districts, technical and vocational districts, learning center districts, flood control districts, Local Economic Development Act projects, special zoning districts, soil and water conservation districts, and water and sanitation districts. Starting in 2022, conservancy district elections will be included. The Act creates the local election fund to cover state and county costs of elections held under the Act. Annual assessments of each local government subject to the Act shall be \$250 per \$1 million of the local government’s general fund expenditures or minor fraction thereof. If a municipality has a top-two runoff election, the annual assessment shall be \$500 per \$1 million of the local government’s general fund expenditures or minor fraction thereof. Local governments with general fund expenditures less than \$100 thousand shall pay no assessment. In the event the current year balances in the fund do not cover the cost of local elections, the SOS is authorized to apply for an emergency grant from the State Board of Finance. The Act allows municipalities to opt out in some circumstances and allows write-in candidates based on signature collection.⁸¹⁹

[HB 98](#), Voted against final passage ([RCS#179](#))

Albuquerque Journal: If approved by the governor, the local election proposal, House Bill 98, would consolidate most nonpartisan elections into one day in November. Albuquerque would be forced to move its October election either back to November - a move that would require dropping a voter-approved photo ID requirement - or to March, when most New Mexico cities

⁸¹⁷ “New Mexico GOP sues to halt absentee voting in Las Cruces,” Russell Contreras, Associated Press, 11/4/2019

⁸¹⁸ “Radio Interview: Rural Route Radio with Yvette Herrell,” DCCC, 4/30/2020

⁸¹⁹ [Fiscal Impact, HB 98, 2018](#)

have their elections. Officials in the state's largest city said the measure is impractical because it conflicts with the City Charter and may result in litigation.⁸²⁰

VOTER ID

Said voter ID laws were “hugely important”

In January 2020, Herrell discussed voter ID laws at a campaign event in Lincoln County. Herrell called voter ID laws “hugely important” and said Republicans tried to pass stricter voter ID laws several times without success while she was in the legislature.⁸²¹

WAR ON DRUGS

OPIATES

Expressed support for idea of faith-based detox center in Otero County

In November 2019, Herrell voiced support for a fundraiser that would help establish a detox center for those managing substance use disorders in Otero County. Herrell said:⁸²²

I would absolutely support a detox center in Alamogordo. Facilities, such as this, are needed desperately throughout the state and certainly in Alamogordo. There are a number of men and women who are ready, willing and able to reclaim and bring stability back into their lives. Unfortunately, options for doing so are extremely limited and often times completely unavailable. A faith-based detox center would certainly be a step in the right direction in providing a much needed service and hope for individuals seeking treatment.

Discussed opioid crisis in Q&A

In May 2020, Herrell responded to a question about the opioid crisis in a Q&A with the Albuquerque Journal. Herrell highlighted the role she believed the border played in the crisis, saying, “We have to secure our borders. Illicit drugs continue to come through our porous borders every day. It is a national crisis that should be strongly addressed at the national, state and local levels.”⁸²³

VOTES

Voted For Authorizing Possession, Distribution and Prescribing of Opioid Antagonists and Providing Immunity from Civil and Criminal Liability

On 02/13/2016, Herrell voted for HB 277. House Bill 277 amends sections of the Public Health Act and the Pharmacy Act authorizing the possession, storage, distribution, prescribing and administration of opioid antagonists, and provides for immunity from civil and criminal liability. The bill would allow: for possession of an opioid antagonist under a standing order; pharmacists to dispense such medication; individuals to administer opioid antagonists exhibiting symptoms of overdose; a licensed prescriber to prescribe, dispense or distribute an opioid antagonist to a person reasonably believed to be having symptoms of overdose, or to a family member, an employee, or a first responder. The bill also relieves these individuals or registered overdose prevention and education programs from civil liability, provided

⁸²⁰ “Session ends on bipartisan note; Legislators reach accord on budget, anti-crime efforts, scholarships, other issues; LEGISLATURE 2018,” Albuquerque Journal, 2/16/2018

⁸²¹ “Republicans Herrell, Chase speak at Lincoln County GOP meeting,” Dianne Stallings, Ruidoso News, 1/15/2020

⁸²² “Pastor raising money to open detox center,” Cristina Carreon, Alamogordo Daily News, 11/20/2019

⁸²³ “Q&A: Congressional District 2 Yvette Herrell,” Anthony Jackson, Albuquerque Journal. 5/5/2020

that actions are taken with reasonable care and without willful, wanton, or reckless behavior. The substitute would also add an emergency clause making the provisions of the bill active immediately after signing.⁸²⁴

[HB 277](#), Voted for final passage ([RCS# 216](#))

Santa Fe New Mexican: House Bill 277, sponsored by Rep. Terry H. McMillan, R-Las Cruces, and the only physician serving in the Legislature, would allow for possession of an opioid antidote under a standing prescription order instead of mandating that drug users and family members have a direct consultation with a physician or a pharmacist. The bill needs support from the full Senate before moving onto Gov. Susana Martinez for her signature. It unanimously passed the House Health and Judiciary committees and gained passage in the House with a 66-0 vote.⁸²⁵

WELFARE

FOOD ASSISTANCE

VOTES

Voted For Toughening Penalties for Those Who Tried to Trade Food Stamps and EBT Cards for Cash

On 2/15/2014, Herrell voted for HB 229, an Act that revise the means by which fraud values are calculated pertaining to Unlawful Dealing in Federal Food Coupons or Women, Infants and Children (WIC) Food Program checks, and the determination of the appropriate criminal offense. It inserts the words “whether in one or more transactions within a period of twelve months or less” that allows for the aggregation of offenses for those that engage in unlawful dealing in federal food coupons or WIC checks.⁸²⁶

[HB 229](#), Voted for final passage ([RCS# 4543](#))

New Mexico Watchdog: The bill would toughen penalties for those who tried to trade food stamps and EBT cards for cash. Bill sponsor Rep. Monica Youngblood (R) said, “You have instances where people were continually committing fraud and we couldn’t really aggregate those into a felony.” Across the country, there had been reports of some people going on Craigslist and offering to sell food stamps, Women, Infants and Children (WIC) checks or electronic benefit transfer (EBT) cards for cash. The bill would add gradations of severity, so that convictions of cashing in on more than \$500 in assistance programs would amount to a fourth degree; more than \$2,500 would equal a third-degree felony and more than \$20,000 would be a second-degree felony.⁸²⁷

OTHER VOTES

Supported drug testing for government assistance eligibility

In October 2018, Herrell attended a meeting for the Federated Republican Women of Lincoln County, in which she expressed support for requiring able-bodied government assistance recipients to work and

⁸²⁴ [Fiscal Impact, HB 277, 2016](#)

⁸²⁵ “Bill that would expand use of Narcan to fight overdoses awaits a vote,” Bruce Krasnow, Santa Fe New Mexican, 2/17/2016

⁸²⁶ [Fiscal Impact, HB 229, 2014](#)

⁸²⁷ “Food stamp fraud bill passes NM House of Representatives,” State Capital Newsfeed, New Mexico Watchdog, 2/16/2014

pass drug screenings. Herrell noted that such requirements were necessary in breaking generational dependence and ensuring that people do not take advantage of the system.⁸²⁸

We have to fix the system and do mandatory drug tests to stay on those programs. It is not fair to people who work hard to put money into those programs. They are not sustainable without major changes on the state and federal levels.⁸²⁹

WOMEN'S ISSUES

CONTRACEPTION

VOTES

Voted Against requiring health insurance providers to offer coverage for contraceptive medication and procedures

On 3/6/2017, Herrell voted against HB 284, an Act that added a new section to the Health Purchasing Act that would require coverage for contraceptive medications and procedures. This would include a selection of oral contraceptives to represent the variety that have been approved by the Federal Drug Administration (FDA). Clinical services related to the provision of contraception, including patient education, the services attendant upon insertion and removal of contraceptive devices and the care of side-effects of the method used would also be covered. The bill would prohibit cost-sharing and the imposition of barriers in the provision of the contraceptive method. Religious entities that offered individual or group health maintenance organization coverage to employees would be permitted to refuse to cover contraceptive drugs or devices.⁸³⁰

[HB 284](#), Voted against final passage ([RCS# 303](#))

Silver City Daily Press & Independent: The bill would require health insurance providers in New Mexico to offer at least one FDA-approved contraceptive method at no cost. Many of the GOP members argued against the bill on the basis of religious liberty and said employers who morally opposed birth control shouldn't have to pay for insurance benefits that provide contraception. The bill's sponsor pointed out that her bill contained a provision allowing for employers to opt out on religious grounds.⁸³¹

VIOLENCE AGAINST WOMEN/DOMESTIC VIOLENCE

VOTES

Voted For Allowing Warrantless Arrests of Domestic Violence Suspects within 24 Hours of Offense

On 03/18/2015, Herrell voted for HB 462. House Bill 462 amends Section 31-1-7 NMSA 1978 of the Criminal Procedure Act, which addresses warrantless arrests in domestic disturbance cases. As currently written, that section allows a warrantless arrest if the officer has probable cause to

⁸²⁸ "Yvette Herrell speaks to Republicans," Dianne Stallings, Ruidoso News, 10/26/2018

⁸²⁹ "Yvette Herrell speaks to Republicans," Dianne Stallings, Ruidoso News, 10/26/2018

⁸³⁰ [Fiscal Impact, HB 284, 2017](#)

⁸³¹ "Legislative Roundup," The New Mexican, Silver City Daily Press & Independent, 3/8/2017

believe that the person has committed an assault or a battery upon a household member and the officer is at the scene of a domestic disturbance. HB462 allows the arrest to occur at the scene of a domestic disturbance or “at another location if the arrest is made with reasonable promptness after the domestic disturbance and is reasonably necessary to protect a household member from future domestic abuse.” HB462 also adds subsection D to Section 31-1-7, to contain definitions of terms used in the Section. It moves the definition of “household member” from its current location in subsection A to the new definition section. It defines “domestic abuse” to have the same meaning as used in the Family Violence Protection Act.⁸³²

[HB 462](#), Voted for final passage ([RCS# 5172](#))

Silver City Daily Press & Independent: Domestic violence: The House on Wednesday passed a bill aimed at those convicted of domestic violence. House Bill 462, sponsored by Rep. Kelly Fajardo, R-Belen, would give police officers 24 hours to arrest a suspect without first obtaining a warrant. The bill passed on a 65-0 vote and now heads to the Senate. Under current law, if someone suspected of domestic violence flees the scene, an officer is required to obtain a warrant before making an arrest.⁸³³

WORKER PROTECTION

FAMILY AND MEDICAL LEAVE

VOTES

Voted For Allowing Employers to Terminate Disabled Worker Payments if Worker Rejects “Bona Fide, Reasonable” Return to Work Offer

On 03/03/2015, Herrell voted for HJC Substitute for HB 250. The bill reorganized Section 52-1-25.1 and clarified exceptions to Temporary Total Disability (TTD) and Permanent Partial Disability (PPD) entitlement by placing the exceptions in separate subparagraphs. First, the Substitute provides that where an employer makes a bona fide, reasonable return to work offer, the worker is not entitled to TTD benefits or PPD modifier benefits if the worker rejects the offer. Second, the Substitute continues to provide that a worker who returns to work and is later terminated for misconduct loses TTD and PPD modifier benefits, provided that an employer shall be subject to bad faith penalties when an employer terminates a worker for the pre-textual reasons of attempting to avoid payment of benefits of as retaliation against the worker. Finally, the Substitute revises Section 52-1-25.1 to clarify that an employer is still obligated to provide worker with reasonable and necessary medical care, regardless of the worker’s return to work status.⁸³⁴

[HB 250](#), Voted for final passage ([RCS# 4944](#))

Santa Fe New Mexican: Geoff Romero, an Albuquerque attorney who heads the New Mexico Trial Lawyers Association, said HB 250, passed by the full House 66-0 and now pending in the Senate, would upend the 30-year balance in the state's workers' compensation program and likely result in more and costlier litigation for business owners. The bill would allow businesses

⁸³² [Fiscal Impact, HB 462, 2015](#)

⁸³³ “Legislative Roundup,” Silver City Daily Press & Independent, 03/19/2015

⁸³⁴ [Fiscal Impact, HB 250, 2015](#)

to terminate a disabled worker who turns down an offer to return to work if the worker was medically cleared for the position. Romero said it would remove the discretion, now part of case law, that the job has to be reasonable. "If there is an offer of return to work, it has to be with reasonable hours and conditions," Romero said. "If you're going to offer an employee a position six hours away [from their home], that's not reasonable. It seems obvious." The state Advisory Council on Workers' Compensation said in a recent statement, "The return to work principle was established as part of New Mexico workers' compensation law in the 1990 reform, but has been undermined in recent years by a series of decisions of the state's higher courts."⁸³⁵

OSHA

VOTES

Voted For Reducing Employee Workers' Compensation Benefit if Employee Death or Injury Resulted from Drug or Alcohol Intoxication

On 02/02/2016, Herrell voted for HB 63. House Bill 63 repeals section 52-1-12 NMSA 1978 and amends sections 52-1-11 and 52-1-12.1 NMSA 1978 of the Workers' Compensation Act. Section 52-1-11 NMSA 1978 would provide that workers who willfully or intentionally cause injury is not entitled to workers' compensation benefits. Section 52-1-12.1 would be amended to provide that indemnity benefits of an intoxicated worker will be reduced between 10 percent and 90 percent based on the degree the worker's intoxication or influence of drugs contributes to the accident. A reduction in benefits is not allowed if an employer does not have a written drug and alcohol workplace policy. However, a worker will not be entitled to benefits should the worker refuse testing requested by the employer. The bill provides that the Workers' Compensation Administration promulgate rules to govern testing and cutoff levels.⁸³⁶

[HB 63](#), Voted for final passage ([RCS# 74](#))

Silver City Daily Press & Independent: Compensation for drunks: The House on Tuesday approved a perennial proposal that would significantly reduce an employee's workers' compensation benefit when the employee's death or injury resulted from being intoxicated. The House voted 55-6 vote to pass House Bill 63, sponsored by Rep. Dennis Roch, R-Logan. "Coming to work impaired by alcohol or drugs puts people's lives in danger," Roch said. "This legislation will hold violators accountable for their irresponsible actions."⁸³⁷

UNEMPLOYMENT

VOTES

Voted For Reducing Unemployment Benefit to 45 Percent of Average Weekly Wage or State's Average Weekly Wage and Reducing Maximum Total Benefit

On 03/16/2015, Herrell voted for HB 482. House Bill 482 proposes three adjustments to the amount of benefits available to unemployment insurance claimants. First, it reduces an individual claimant's weekly benefit from 53.5 percent to 45 percent of the average weekly wage earned in the highest quarter of

⁸³⁵ "Workplace bills advance in Legislature quickly, quietly," Bruce Krasnow, Santa Fe New Mexican, 3/5/2015

⁸³⁶ [Fiscal Impact, HB 63, 2016](#)

⁸³⁷ "Legislative Roundup," Silver City Daily Press & Independent, 2/3/2016

the claimant's base period. The base period constitutes the first four of the previous five quarters before the date of an individual's claim for benefits. Second, HB482 reduces the maximum available weekly benefit amount for all claimants from 53.5 percent to 45 percent of the state's average weekly wage. Third, this bill proposes to amend the maximum total benefit available by stating that a claimant's maximum total benefit is the lesser of the claimant's weekly benefit amount multiplied by 26 percent or 33 percent of the claimant's total base period earnings. Currently law caps total benefits at the lesser of total base period earnings time 26 percent or 60 percent of the total base period earnings.⁸³⁸
[HB 482](#), Voted for final passage ([RCS #5132](#))

Gallup Independent: After a long, emotional debate Monday night, a bill that would have decreased unemployment benefits failed. HB 482, by Rep. Larry Larrañaga, R-Albuquerque, would also have reduced unemployment premiums for employers. Applicants for unemployment insurance would have received 45 percent instead of 53.5 percent of their average weekly wage or the state's average weekly wage. According to the Department of Workforce Solutions, it would amount to an overall cut of about 20 percent. But New Mexico is more generous than most other states, the department said. The Unemployment Insurance Trust Fund last year dropped to \$49 million from its pre-recession \$557 million in March 2008. Republicans argued that many small businesses were asking for relief and said the move would strengthen the unemployment insurance fund. Democrats countered that a smaller unemployment check would hurt workers who were already at a low point. Many described their own experiences being unemployed.⁸³⁹

⁸³⁸ [Fiscal Impact, HB 482, 2015](#)

⁸³⁹ "Unemployment benefits cut fails," Sherry Robinson, The Gallup Independent, 3/18/2015

APPENDIX

VALIDATORS

NEGATIVE VALIDATORS

“Torres Small is our choice for Congress,” Editorial Board, Las Cruces Sun-News, 11/4/2018

The first thing voters should know about the race to replace Steve Pearce as our representative in the U.S. House is that much of the advertising you have seen about the two candidates has been dishonest.

Both Xochitl Torres Small, a Democrat, and Yvette Herrell, a Republican, are new to this level of political campaigning. Herrell has served in the state Legislature; Torres Small is making her first run for public office. As both candidates are traveling the district introducing themselves to voters; the national political machines out of Washington, D.C. are seeking to define the candidates in much different terms.

Herrell has been criticized for business leases with the state government that are well within the law. Torres Small has had her positions on numerous issues wildly altered in ads that often cite newspaper sources for added credibility. The Sun-News was the source for a claim that she favors government takeover of health care, when what she had actually told us was not even close to that.

Because Torres Small is running for the first time and has no track record, all we have to go by as to what she would do if elected is what she tells us. It is always possible that she is not telling the truth, but we have no reason to believe that.

After meeting with both candidates twice - once in the primary election and then again in the general - we are convinced that both women are who they say they are.

Herrell was proud to have been ranked the most conservative member of the Legislature by the Rio Grande Foundation, and believes that her values are in line with the district. She would follow in the mold of Pearce, who had been one of the more conservative members of the House.

Torres Small is certainly more progressive in her views, but not to the point of being a "foot soldier for Nancy Pelosi," as is claimed in the ads. Just because Pelosi said that winning the seat was a priority for her doesn't mean that Torres Small is obligated to agree with everything Pelosi says or does. We are quite confident that she will not,

Torres Small has staked out moderate, center-left positions on issues that are of critical importance to New Mexico. On health care, she has rejected calls for a single-payer system coveted on the left, while at the same time calling for a return of the protections that were in the Affordable Care Act for things like equal coverage for those with pre-existing conditions.

The ad Torres Small made showing her bird hunting was no campaign stunt. An avid hunter, she and her husband, State Rep. Nathan Small, feed themselves each night with the meat they have harvested. Yet, she also favors common-sense restrictions like universal background checks on gun sales.

As a water attorney, Torres Small would bring an expertise to Congress that is sorely lacking now. Too many members of Congress, especially those from the eastern part of the country, are clueless as to the challenges being faced by western states because of drought and rising temperatures.

Because her values line up more closely with ours, we believe Torres Small is the best choice for Congress. We also recognize that if Herrell is right, and her values align more closely with voters in the district, then she will be elected.

That's how it should be. We encourage voters to look past the noise and vote for the candidate who best represents their beliefs. For us, that candidate is Torres Small.

“No Daily Press endorsement in CD2,” Silver City Daily Press & Independent, 11/5/2018

As we explained in Saturday’s editorial on this page, the Daily Press continues to endorse candidates not just because it’s been a traditional role of the newspaper, but also because we usually have information about and access to candidates that may not otherwise make it into the pages of the newspaper — from candidate forums, visits to the office and interactions on the campaign trail.

Unfortunately, when it comes to the extremely important race for the U.S. House of Representatives in New Mexico’s 2nd Congressional District, we don’t have any additional information to offer you — because neither candidate has had any interactions with the Daily Press during this election cycle.

There have been no candidate forums here in CD2. And while both candidates have held fundraisers and partisan rallies here, neither has taken the time to reach out to the newspaper or any of our staffers. Consequently, any advice we could offer you would be based on information that you have just as much access to as we do.

We will note that Republican candidate Yvette Herrell has made a particular point of her support for the current president — and at this moment in history, we’d especially like to see greater oversight and accountability for the executive branch. That would, for us, recommend against a vote for Herrell.

But that’s just one data point of many in this close race for the open seat formerly held by Republican candidate for governor Steve Pearce. We encourage you to do your own research — the League of Women Voters offers some great online resources at lwvnm.org. Most of all, whoever you ultimately decide to support, we encourage you to cast your vote in this race. Real opportunities to shape our representation in Congress are far too infrequent.

“Our view: Election continues – until the counting is done,” Editorial, The Santa Fe New Mexican, 11/13/2018

In Florida and Georgia, crucial races remain undecided, and in Mississippi, there is a runoff for a U.S. Senate seat. Even in New Mexico, what had seemed to be a victory for a GOP newcomer in the 2nd Congressional District ended up being called a win for Democratic first-time candidate Xochitl Torres Small.

But Yvette Herrell, the Republican who lost the race to replace Steve Pearce (himself a losing candidate for governor) indicated on Fox News that she isn't persuaded she lost. We don't blame any candidate in a close race for wanting to double check the results, but Torres Small is clearly the winner.

Losing candidates do no favors to democracy when making unfounded claims about the fairness of the electoral process (the key word here is unfounded). Unofficial results from the Secretary of State's Office show Torres Small won by 3,359 votes once all the absentee and provisional ballots were counted.

The outcome would have been clearer if people waiting for results had realized the newly appointed Doña Ana County clerk had almost 8,000 outstanding absentee ballots that weren't included in early election night totals. Usually, they are. When several news organizations and pollsters predicted Herrell had won, they were assuming that absentee ballots had been counted.

...

There simply were more voters than anticipated and confusion in how the results were tallied. For Herrell to claim otherwise without proof insults voters. It also damages the trust people have in elections.

That is dangerous.

...

In Arizona, despite the close election, GOP officials allowed the process continue without outcry -- they are setting the standard.

Trump and others should do the same. That includes Yvette Herrell, who has lost her race for Congress.

“A good loser is hard to find these days,” Steve Terrell, The Santa Fe New Mexican, 11/18/2018

Yvette Herrell is not going to win any sportsmanship award. In fact, she's not going to win anything this election cycle. After losing the 2nd Congressional District election to Democrat Xochitl Torres Small by about 3,500 votes, Herrell filed a lawsuit asking a court to order New Mexico State Police to impound all absentee ballots cast in Doña Ana County. And she went on right-wing loudmouth Judge Jeanine Pirro's Fox News show claiming that Secretary of State Maggie Toulouse Oliver -- a Democrat! -- had "magically found 4,000 ballots that had not been counted."

The Las Cruces Sun-News pointed out that no magic was involved. "In fact, tabulation of absentee ballots was completed on Nov. 7 in full view of reporters from several news organizations, including the Sun-News."

Oh well. At least Herrell didn't blame Antifa or the New Black Panther Party.

But Herrell is not alone. Spend any time on social media and you can find Republicans across the country blaming their losses on their old standby, "voter fraud," or dishonest election officials. (Democrats are far too good to do anything like that. Their sore losers tend to blame voting machine manipulation or stupid Russian Facebook memes that nobody believes except those who already support their opponents.)

OP-EDS/ARTICLES

“USMCA A GOOD CHOICE FOR AMERICA,” YVETTE HERRELL, CARLSBAD CURRENT-ARGUS, 6/21/2019

American leaders have a rare opportunity to break through partisanship and support a common sense measure that will help our state, our country, and our relationships with our neighbors to the north and south.

That measure is the United States-Mexico-Canada Agreement (USMCA), the recently negotiated trade agreement that replaces NAFTA and has been signed by the leaders of all three countries. All that remains is legislative approval, which is why I encourage both Democrats and Republicans in the U.S. Congress to put aside political differences and approve the USMCA for the benefit of the American constituents they both serve.

Our economy here in New Mexico depends on trade with Mexico and Canada. Sixty-three thousand New Mexico jobs are supported by these trade practices, and New Mexico exported \$2 billion in goods and services to these two countries in 2017. We also benefit from the tremendous economic activity surrounding our multiple ports of entry that we share with Mexico. Under USMCA, we can expect those numbers to grow, bringing greater prosperity to New Mexico workers and business.

The USMCA opens up new markets for New Mexico products and will streamline the export process for our small businesses with new customs and trade rules that reduce red tape and make it easier to engage in international trade. Small businesses account for over 40 percent of New Mexico's exports, and the USMCA will help them push that even higher. Our dairy producers will also gain more customers in the Canadian market through reforms to the Canadian system that currently inhibits access to their consumers. The agreement also encourages companies to produce more goods in America by raising wage and benefit standards in Mexico, reducing the draw of cheap and exploitative labor south of the border. Further, the USMCA raises the American-made content requirements for automobiles, meaning more manufacturing on the U.S. side of the border, a feature that as a border community we are well-positioned to benefit from.

Critics have said that a deal is only as good as its enforcement provisions, and they are correct. That's why the USMCA includes the best enforcement measures of any trade agreement. It puts in place robust penalties for violations as well as enhanced authority for law enforcement to confiscate suspected counterfeit or pirated goods at any point in its transit. We can have confidence that the USMCA will be applied and enforced fairly to protect American interests.

Yes, President Trump's administration negotiated this agreement. But the tiring and reflexive partisan opposition to the President should be put aside for the common good to allow this agreement to be implemented. As President Obama's former Secretary of Agriculture Tom Vilsack recently said, "Having this agreement passed creates optimism, creates a hopefulness about the future...it's about giving the American economy a victory."

The USMCA is a win for everyone, and I hope our leaders in both parties put aside political differences and work together to get it done.

“HANDOUTS ARE NOT THE SOLUTION TO STUDENT DEBT CRISIS,” YVETTE HERRELL, LAS CRUCES SUN-NEWS, 10/8/2019

Treating students who are in the country illegally better than our own children is not a productive higher education reform, but that's exactly what Governor Michelle Lujan Grisham is proposing.

The governor wants to offer "F-R-E-E" in-state tuition at New Mexico's colleges and universities with her New Mexico Opportunity Scholarship program. That sounds like an admirable goal, but as always, the devil is in the details.

Proponents of the plan are suggesting we use the surplus from our oil boom to pay for the new program, for instance, but it's completely unclear how lawmakers would keep the program funded in the event that oil revenues dry up in the future.

Furthermore, "free tuition" is guaranteed to create some truly perverse incentives. Allowing in-state students to pass tuition costs on to taxpayers removes much of the incentive for our public universities to keep tuition growth low. In fact, offering "free" tuition actually increases the incentive for colleges and universities to hike tuition, increasing the cost to taxpayers and making our schools less attractive for out-of-state students, whose higher tuition rates would otherwise help to offset the cost of tuition subsidies.

To the chagrin of at least one Republican legislator, the Opportunity Scholarship also makes no distinction between in-demand degrees such as nursing and the proverbial "underwater basket weaving" majors. If this is really about helping build a better workforce and getting a return for the taxpayers' investment, then that might be something to reconsider.

But virtually no one is talking about the most egregious flaw in the plan: It provides benefits to unlawful residents that even citizens of New Mexico won't get.

Since 2005, New Mexico has offered in-state tuition rates to people who have no legal right to be in the United States. That misguided policy provides an incentive for foreigners to disregard our lawful immigration system and subject children to the dangerous journey across our border.

Buried in the details of the "free" tuition program, however, is an even greater insult to American citizens and legal immigrants: it actually treats unlawful residents better than American citizens.

Gov. Lujan Grisham's plan is a "last dollar" program, meaning it will pay the remaining tuition balance after all scholarships, federal subsidies and other forms of financial assistance are taken into account. Immigrants in the country illegally, however, aren't eligible for Pell Grants, nor for the many scholarships and other programs that are available only to legal residents.

That means New Mexico taxpayers will actually be paying more to subsidize tuition for similarly situated unlawful residents than they do for American students.

That's absolutely outrageous, and it surprises me that so few commentators have pointed this out - especially given that education experts have cited the same factors to warn that New Mexico's plan could have the unintended effect of increasing inequality.

"Because it's universal, it's actually going to end up being regressive," Tamara Hiler, director of the education think tank Third Way, told Inside Higher Ed. "The students who will most likely benefit are likely to be wealthier students."

Like immigrants residing in the country illegally, wealthier students are ineligible for Pell Grants, and therefore require larger subsidies than comparable lower-income students.

That's unfair. Wealthy students shouldn't receive more taxpayer money than poor students, and students who are breaking the law shouldn't receive more taxpayer money than American citizens and legal immigrants. The "Opportunity Scholarship" is just an opportunity for inequality.

“TORRES SMALL JOINS DEMOCRATS WHO ARE TRYING TO SABOTAGE TRUMP,” YVETTE HERRELL, LAS CRUCES SUN-NEWS, 12/18/2019

Even before President Trump took the oath of office, Democrats have been trying to sabotage his presidency with the ultimate goal of overturning the will of the American people and removing him from office.

First it was the Russia narrative. Democrats successfully convinced the media and millions of Americans that Donald Trump collaborated with Russia to steal the election. Many Democrats went so far as to spread wildly irresponsible propaganda that our President was actually a Russian asset. But as we all know, the Special Counsel Investigation spent months - and tens of millions in taxpayer dollars - and failed to find a single piece of evidence of any collusion between President Trump and Russia.

After their Russia fantasy collapsed, the Democrats needed a new excuse to pursue their impeachment agenda. After all, they know the voters are primed to reelect President Trump to a second term. Enter the president's phone call with Ukraine: an anonymous "whistleblower" (who didn't hear the conversation) filed a complaint alleging a quid pro quo by the president. In response, President Trump publicly released the transcript of the call, which clearly showed no corruption whatsoever, instead a simple and appropriate request for Ukraine to investigate potential corruption in their country.

But it was enough for the Democrats to launch their long-awaited impeachment inquiry. Our Rep. Xochitl Torres Small voted for the inquiry after waiting until the last minute to make her position known. In her statement on that vote, she promised a "transparent, bipartisan process" focused on finding the truth. Of course, we all saw firsthand that the House inquiry that followed was anything but bipartisan or transparent. Democrats like Adam Schiff and Jerry Nadler didn't allow a single Republican witness and failed to garner a single Republican vote for their charade.

Given that highly partisan, orchestrated process, it would follow that Rep. Torres Small would stick to her original statement and decline to support actually impeaching President Trump.

Sadly, this week she caved to her bosses in Washington, D.C., and announced she would in fact vote to impeach. Fittingly missing from Torres Small's newest statement was any mention of bipartisanship or transparency. At least she's finally being honest about her real priority: overturning the results of the 2016 election and removing President Trump from office.

Torres Small promised to be a bipartisan voice for our district who would be willing to work with anyone - including President Trump - to achieve results for New Mexico and our country as a whole. Sadly, her crusade to remove President Trump reveals that was simply political doublespeak, carefully calculated to win votes. Voters in the 2nd District now see her true, hyper partisan colors and should vote to remove her (the right way, through an election) in 2020.

PROFILES/INTERVIEWS

“Q&A: CONGRESSIONAL DISTRICT 2 YVETTE HERRELL,” ANTHONY JACKSON, ALBUQUERQUE JOURNAL, 5/5/2020

1. What is your opinion of the coronavirus response packages passed by Congress and signed by President Trump? Is there anything you would have done differently?

I believe Congress acted in the best interest of the American people to help protect individuals and business owners from inevitable financial hardships. That said, Congress should not have added unneeded funds for entities like the Kennedy Center or allowed large institutions like Harvard to access the loans.

2. What actions to restore the economy, if any, do you feel Congress should take once the outbreak has been contained?

Allow individual states, communities, counties and job creators the flexibility necessary to reopen our economies in a safe manner. The economic pandemic is just as real as the virus and it will take a tremendous amount of work to recover the economic progress we were making under President Trump's policies.

3. What is your position regarding climate change? What actions should Congress take, if any, regarding the environment.

Radical environmental policies that unnecessarily damage our economy must be rejected. We all have a responsibility to take care of the planet and protect the environment, but this is best done through conservation efforts and common sense rules, not excessively burdensome mandates.

4. What is your opinion on energy initiatives that have been introduced both on the federal and state level such as the Green New Deal and the New Mexico Energy Transition Act?

I am not in favor of nor do I support either initiative. The Green New Deal would cost the average family in New Mexico \$70,000 in its first year. And the ETA will kill good-paying jobs in Southeast New Mexico while drastically reducing revenue to the state.

5. Fracking bans have been introduced in Congress by Sens. Bernie Sanders and Elizabeth Warren, and presidential candidate Joe Biden indicated in a debate he would support a ban. Where do you stand on the issue?

I do not support fracking bans or any other regulatory burdens that are placed on the industry. Oil and gas is the life-blood of New Mexico's budget and employs over 100,000 people in New Mexico. I fully support our energy producers and the oil and gas industry.

6. What is your position on the leasing of federal land for oil, gas and mineral development? Do you agree with the removal of energy development in a 10-mile radius around Chaco archaeological sites? Are there other areas of the state that should be considered for similar treatment?

We need to further streamline the permitting process for leasing federal land for development that will boost our economy. We can have responsible development while also protecting archaeological sites like Chaco Canyon and other historically significant places in our beautiful state.

7. What are the most important actions Congress should take regarding people now living illegally in the U.S.? What about for those who want to come in?

I do not support amnesty. The US has a very clear path to citizenship that has been codified into law. Those seeking to migrate to the U.S. need to go through the legal channels that are in place for that purpose.

8. Do you believe the borders are secure enough? If not, what do you propose should be done to increase security?

No. I support President Trump's efforts to finish building the wall. Congress must also provide the necessary equipment, resources and tools to our USBP and ICE agents. And we must enforce the laws that clearly outline entry into our nation.

9. Do you favor a federal ban on the sale of military style semi-automatic rifles? If so, what would you do about the millions of such weapons now legally owned by American citizens? What other, if any, gun law reforms would you support?

No. None, I completely support our 2nd Amendment Right and will not support any legislation that impedes on our constitutional right to own and bear arms.

10. Federal spending plays an important role in New Mexico's economy. What should be done to increase other economic drivers here?

In order to increase economic drivers, we need to start with fixing our education system, reducing crime, lowering poverty levels, reducing the delay in licensing and regulatory processes. We must provide new and existing businesses the customer service and support they need to expand or relocate to New Mexico.

11. Congress passed the U.S.-Mexico-Canada Agreement as a replacement for the North American Free Trade Agreement. Are there any other trade initiatives you'd like to see Congress pass if you're elected?

I would favor any new trade agreements which, like the USMCA, expanded markets for American products while leveling the playing field for American workers.

12. Do you favor or oppose a national single payer health system?

Oppose. We need a free-market driven health care system. Consumers should have more options to select physicians, policy plans, premium choices, and coverage limits that work for their families and businesses.

13. Do you favor or oppose limits on late-term abortion, and do you believe tax dollars should or should not be used to fund abortions?

I am 100% pro-life. I favor these limits and carried legislation in the NM House to ban abortion after 20 weeks. I do not think taxpayer dollars should be used to fund any abortions.

14. What should be done at the federal level to address the crisis of opioid addiction? Any other drugs?

We have to secure our borders. Illicit drugs continue to come through our porous borders every day. It is a national crisis that should be strongly addressed at the national, state and local levels.

15. Why do you want to be a member of Congress?

New Mexico is my home. People know me as a principled leader putting their values above politics. Bringing eight years of legislative experience to this race, I want to continue working with the people of New Mexico, so we can carry a voice to Congress that will accurately represent our values, our culture, and protect the future of our state.

Personal background

1. Have you or your business, if you are a business owner, ever been the subject of any state or federal tax liens?

No

2. Have you ever been involved in a personal or business bankruptcy proceeding?

No

3. Have you ever been arrested for, charged with, or convicted of drunken driving, any misdemeanor or any felony in New Mexico or any other state? If so, explain.

No

“U.S. HOUSE OF REPRESENTATIVES: DISTRICT 2 – REPUBLICANS; YVETTE HERRELL,” THE GALLUP INDEPENDENT, 5/27/2020

I am running to restore our conservative values to our great district, stand up for the people, and support President Trump. As an entrepreneur who has owned and operated several successful small businesses, I know that big government is not the answer. I have stood against overbearing regulations and government overreach, which is why I was awarded Hero of the Year by the New Mexico Business Coalition and was named “Female Legislator of the Year” by the leading conservative think tank in New Mexico.

What makes you the most qualified?

I value hard work and determination, and I uniquely understand that rural New Mexico faces challenges that are often overlooked. I served for 4 terms in the New Mexico House of Representatives. As a member of the New Mexico House, I worked to put people before politics, championing free markets and carrying our values to Santa Fe.

Why should people vote for you?

In addition to my proven conservative record as a state legislator, I believe my endorsements speak volumes about who I am as a person and a candidate. I’m honored to be endorsed by President Trump’s greatest allies like Jim Jordan, Mark Meadows, Mike Huckabee, Ted Cruz, and the NRA; to name just a few. We need a voice in Congress that will stand for every American, not just the Washington elite. I will fight for our hard working middle class, job creators, and traditions that make New Mexico great.