

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

RICK HOMANS,

Plaintiff,

No. CIV-01-917 MV

v.

THE CITY OF ALBUQUERQUE,
a municipal corporation and
MARGIE BACA ARCHULETA,
in her capacity as Clerk of the City of
Albuquerque,

Defendants.

**DECLARATION OF JIM BACA
IN OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION**

I, Jim Baca, hereby declare, pursuant to 28 U.S.C. § 1746, as follows:

1. I am the mayor of Albuquerque, New Mexico. I was elected mayor in October 1997.
2. When I ran for mayor four years ago, my campaign strategy focused on mobilizing a major get-out-the-vote effort. This strategy involved significant grassroots work, including meeting voters at neighborhood association gatherings, campaigning door to door, operating phone banks, and distributing flyers in various communities.
3. In that successful 1997 campaign, I did not rely on television advertising as a principal means of reaching voters. Grassroots outreach, not television advertising, served as my primary campaign strategy. I spent a total of \$43,888.26 on television advertising during that campaign.

4. I understand that Del Esparza of Esparza-King, Inc. of Albuquerque has submitted an affidavit in this case in support of Plaintiff Rick Homans' motion for a preliminary injunction. I further understand that Mr. Esparza claims in that affidavit that "an effective television campaign" in an Albuquerque mayoral race costs "between \$480,000 to \$600,000."
5. Mr. Esparza does not accurately state the effectiveness of such television advertising. It has never been necessary to spend \$480,000 to \$600,000 on television to run an effective campaign for mayor of Albuquerque. The expenditure of such money on television constitutes a significant oversaturation of the airwaves.
6. The major effect of such expenditures is that it forces other candidates to participate in a spiraling fundraising arms race that has a detrimental impact on the local electoral process.
7. As a result of this new money chase in this year's mayoral election in Albuquerque, I am now forced to spend three hours every day making fundraising phone calls. I have never before had to do this in my political career.
8. This fundraising time takes me away from meeting voters and engaging in grassroots outreach throughout the city. When I call people who are doing business with the city, I often am concerned about the possibility of their misperception that they are being shaken down.
9. These fundraising pressures on my time also detract from my ability to carry out fully the duties of the office of the mayor for which I was elected.

10. This fundraising arms race is poisonous to the democratic process in Albuquerque. If allowed to continue, it will undoubtedly discourage electoral competition in the future and it will undermine public confidence in our local elections.

I hereby declare, under penalty of perjury pursuant to 28 U.S.C. § 1746, that the foregoing information is true and correct to the best of my knowledge, information and belief.

This ___ day of _____, 2001.

Jim Baca