

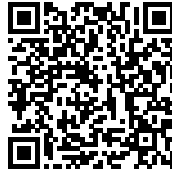


# Mark Duncan

House of Representatives District  
HD-002

Republican

411 S Capitol St, Santa Fe, NM 87501



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This legislator voted constitutionally on **17%** of the votes shown below.

★ Pro-liberty

✗ Anti-liberty

? Did not Vote

Vote

**1. SB4 "Free" School Meals** (passed 63 to 0 on 3/12/2023). Expands "free" meals to all public, charter, and private school students attending schools that participate in the national school breakfast and lunch programs. **Yes** ✗

**2. HB15 Permanent Residence for Illegal Aliens Under 21** (passed 64 to 0 on 3/12/2023). Allows illegal aliens under 21 years of age to apply for "Special Immigrant Juvenile (SIJ)" classification in children's court and seek "lawful permanent residence" in the U.S. if it is in their "best interests" due to "abuse, neglect, abandonment, or similar circumstances." **Yes** ✗

**3. HB306 Universal Background Checks for Firearms** (passed 62 to 3 on 3/10/2023). Makes it a crime for a person to purchase or transfer any firearm "for, on behalf of or at the request or demand of" another person who is a "felon" or "intends to use, carry, possess, sell, or otherwise transfer" a firearm "in furtherance of a felony or misdemeanor." **Yes** ✗

**4. HB400 Medicaid for All** (passed 58 to 10 on 3/7/2023). Requires a study of the "Medicaid Forward" plan, which would open Medicaid coverage to every resident, regardless of income. **Yes** ✗

**5. HB7 State-Sponsored Abortion and Sex Mutilation** (passed 38 to 31 on 2/21/2023). Provides that state or local entities "shall not deny, restrict, or interfere" with a person's ability to access "reproductive health care," such as "abortion," or "gender-affirming health care." **No** ★

**6. HM38 "Equality New Mexico Day"** (passed 47 to 14 on 2/8/2023). Commemorates the "founding of equality" in New Mexico for "lesbian, gay, bisexual, transgender and queer individuals," the validation of "same-sex marriages," and the "defeat" of "anti-transgender bills." **Yes** ✗



## NEW MEXICO LEGISLATIVE **SCORECARD** BASED ON THE U.S. CONSTITUTION

**Rep. Mark Duncan**

**Lifetime Score: 17%**

**NM Scorecard 2023**

**2023 Regular Session Score**

The Legislative Scorecard is a nationwide educational program of The John Birch Society. Its purpose is to create an informed electorate on how state legislators are voting. The Scorecard is nonpartisan; it does not promote any candidate or political party. Bills are selected for their constitutional implications and cost to the taxpayers.

**Please share this Scorecard in your district to inform people about your legislator's record on key votes.**

U.S. Constitution, Amendment I --- 11 C.F.R. §114(4)(c)(4) --- 616 F.2d 45 (2d Cir. 1980)

The following scorecard lists several key votes in the New Mexico Legislature in 2023 and ranks state representatives and senators based on their fidelity to (U.S.) constitutional and limited-government principles.

This is our second state-level Scorecard; the selected votes may not be reflective of legislators' overall records. Their cumulative scores will change as we add more votes. Please check regularly for updates.



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### The Constitution

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# Bill Descriptions for the Votes that Affect You

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## 1. "Free" School Meals

SB4 expands "free" meals to all public, charter, and private school students attending schools that participate in the national school breakfast and lunch programs.

It is not the role of government to feed or educate children; rather, each of these responsibilities belongs to a child's parents or family. There is no such thing as a "free" meal that comes at "no cost." This program relies on the unconstitutional theft of taxpayer money for use on behalf of some citizens at the expense of others. The citizens of New Mexico should not be forced to fund all that now entails a compulsory, failing, and state-administered K-12 school system.

## 2. Permanent Residence for Illegal Aliens Under 21

HB15 allows illegal aliens under 21 years of age to seek "lawful permanent residence" in the U.S. if it is in their "best interests" due to "abuse, neglect, abandonment, or similar circumstances."

Persons who enter the United States illegally—which, by definition, is a crime—should not be permitted sanctuary in New Mexico, let alone be regarded as eligible for "lawful permanent residence" according to UN Convention on the Rights of the Child-inspired legislation. Rather than pursue a blatantly unconstitutional and anti-American policy that erodes both the rule of law and the value of citizenship, New Mexico should use its powers reserved under the U.S. Constitution's 10th Amendment to end the crisis of illegal immigration and provide for the public safety.

## 3. Universal Background Checks for Firearms

HB306 makes it a crime for a person to purchase or transfer any firearm "for, on behalf of or at the request or demand of" another person who is a "felon."

This bill effectively requires a background check for every firearm purchase or transfer, without any exception for gifts or family members. Also, it does not contain a time limit for prosecution or differentiate between a "felon" convicted of a violent crime (e.g., rape) as opposed to a non-violent crime (e.g., theft). Law-abiding citizens, including those who have made just restitution for their past wrongs, need their Constitutional rights restored. The Second Amendment guarantees the right "to keep and bear Arms," whereas the Fifth and the 14th Amendments prevent denials of "liberty, or property, without due process of law."

## 4. Medicaid for All

HB400 requires a study of the "Medicaid Forward" plan, which would open Medicaid coverage to every resident, regardless of income.

Neither health care nor social welfare is the legitimate object of government. Medicaid, like other so-called 'entitlement programs,' is financed in large part by immoral and anti-constitutional forms of taxation (e.g., personal or corporate income taxes) that take from citizens the wages they have rightfully earned. Instead of seeking ways to create and implement a completely government-run health care system, the Legislature should work to rein in big government and out-of-control spending. Medicaid is an ever-expanding and unsustainable Federal-State program that is not authorized under Article I, Section 8, of the U.S. Constitution.

## 5. State-Sponsored Abortion and Sex Mutilation

HB7 provides that state or local entities "shall not deny, restrict, or interfere" with a person's ability to access "reproductive health care," such as "abortion," or "gender-affirming health care."

The care of human life—not its destruction—is the greatest responsibility of government. New Mexico ought to forbid all methods of abortion and prohibit the practice of sex mutilation. No person has the right to kill or harm a child using the pretext of "reproductive health" or "gender identity." Both the Declaration of Independence and the U.S. Constitution affirm the fundamental, God-given, and unalienable right to life and limb of every person. Therefore, each of the several States has a duty to defend the basic humanity of all its citizens, especially the preborn and minors.

## 6. "Equality New Mexico Day"

HM38 commemorates the "founding of equality" for LGBTQ individuals and the validation of "same-sex marriages."

Homosexual *behavior* and "same-sex marriages" should be illegal in New Mexico, not memorialized. Being contrary to the "Laws of Nature and of Nature's God," the grossly illicit, self-inhibiting, and unsanitary acts of sexual perversion inherent to the LGBTQ movement are destructive of self-government and the family. There is nothing in the U.S. Constitution that can be used to support homosexuality because true "equality" under the law means that there can be no appeal to "Life, Liberty and the pursuit of Happiness" for anyone apart from the moral sanctions set forth by "their Creator" who grants them with "certain unalienable Rights." Despite what the New Mexico House declares, no amount of commemoration can make normal or even constitutional that which truth has told us since time immemorial to abominable and shameful.