

## FAQs

- **What is Ordinance 2023-022?**

According to Source NM “The town of Edgewood early Wednesday morning passed an ordinance restricting the ability of abortion facilities to operate, despite concerns the move could embroil the town in legal battles. Edgewood is following the cities of Clovis, Hobbs and Eunice, as well as Roosevelt and Lea Counties, in passing ordinances that cite federal law to restrict access to abortion, although the procedure remains legal in New Mexico. However, Edgewood is the first place to pass such an ordinance since the governor signed House Bill 7 into law, which explicitly prohibits public bodies from interfering with access to reproductive healthcare.”

- **Pitting Neighbor Against Neighbor**

Source NM also reported that the “ Edgewood ordinance would allow any private citizen to sue anyone who would send abortion medication through the mail, and sets up successful prosecutions to include penalties up to \$100,000 for each violation.” This medication is used for other health conditions, such as childhood arthritis.

According to Pete Dinelli “Edgewood’s ordinance is based on the Comstock Act which is federal legislation from the **1870s** that prohibits the mailing of “**obscene material**,” including medication or equipment used in abortions. Edgewood’s ordinance states that a private citizen can sue anyone, with some exceptions, if they believe the person has violated the Comstock Act. **The town of Edgewood itself does not have any enforcement powers under the ordinance.** Under the ordinance, a plaintiff could be awarded at least \$10,000 as well as costs and attorney fees with damages capped at \$100,000. The Edgewood ordinance is essentially plagiarized from Texas law and another ordinance enacted by another New Mexico rural community.”

- **I’m pro-life and do not believe in abortions, so why would I want this ordinance repealed?**

This ordinance cannot be enforced and is preempted by both the State of New Mexico and decisions made by the US Supreme Court. However, it can have many devastating results - such as costly lawsuits and fines, and could end up in a reduction or elimination of funding that Edgewood needs for roads, community centers, the library, and more.

Source NM reported that Commissioner Ken Brennan voted for the ordinance but warned of the possibly long-lasting ramifications and stated “This is going to be a long battle, it’s going to be a long fight and it’s going to be expensive,” he said. “I’m holding everybody that has already said it today and in the last meeting that we had that they’re going to support us with their voices and their checkbooks.”

- **I heard that this ordinance cannot be enforced - why is that?**

The ordinance cannot be enforced because it is superseded by the Supreme Court and the laws of New Mexico. On 4/21/2023, The U.S. Supreme Court blocked lower court decisions banning or limiting the FDA-approved use of the abortion pill mifepristone.

In March of 2023, the New Mexico Governor signed into law a bill that prohibits local municipalities and other public bodies from interfering with a person’s ability to access reproductive or gender-affirming health care services. HB7, the Reproductive and Gender-Affirming Health Care Freedom Act, which prohibits any public body from imposing laws,

ordinances, policies or regulations that prevent patients from receiving reproductive or gender-affirming care.

- **What exactly is the petition for?**

The petition allows Edgewood residents who are registered voters to indicate that they are in favor of a Voter Referendum on the Ordinance and calls for a special mail ballot election for citizens to decide its adoption or rejection.

- **Who can sign the Petition?**

Register Voters who reside in the Town of Edgewood.

- **What happens if you get enough signatures?**

If sufficient signatures are obtained, the petition would render it ineffective until a vote by mail is conducted. The outcome of that vote will determine if the ordinance will stay in effect or be recalled.

- **What happens if you do not get enough signatures?**

Then the ordinance will remain in effect, but it will not be able to be enforced and still violates New Mexico law and the most recent Supreme Court decision, and jeopardize Edgewood's funding for important town services (roads, wastewater, recreation, and more)..

- **Once you have enough signatures, when will we get to vote on the ordinance?**

Once the required number of signatures are recorded and verified, then a vote by mail will occur within 90 days.

- **What do you need donations for?**

Donations are needed for various expenses: the website, the PO Box, banners and fliers, mailings, events, t-shirts, and more. Everyone working on this effort is a volunteer.

- **What do you need volunteers for?**

Foremost, we need volunteers ASAP to gather signatures from friends, neighbors, at events and around town. We also need volunteers to man the phone bank to call Edgewood residents and ask them to support and sign the petition. Help is needed for social media posts and holding our weekly Zoom gatherings. We need everyone who cares about this issue to help us spread the word and get signatures.

- **What are the weekly Zoom Gatherings for?**

These weekly virtual gatherings help us stay connected and informed. Since it is difficult for everyone to attend in-person gatherings, we offer this avenue for people to talk about the issue, ask questions and get updated on our efforts and events. The meetings will not be recorded to protect confidentiality.

- **I am not a resident of Edgewood but I am concerned about this issue. Can I sign the petition?**

Unfortunately, no. Only Edgewood residents who are registered voters at their Edgewood address can sign the petition.

- **I am not a resident of Edgewood but I am concerned about this issue. Can I still support this effort?**

YES - we would love your support. You can spread the word about our effort through social media and emails to your friends. You can also attend our events to show support and volunteer - we have a lot of things that volunteers can do to help us. You can also do a fundraiser to help cover our costs.

- **Why was the process that led to the ordinance not considered to be an inclusive process?**

During the Town Council meeting where the Ordinance was voted on and approved, 16 Edgewood residents spoke in opposition of its passing, while 19 spoke in favor - indicating a rather even split. However, many individuals from outside Edgewood spoke in favor of passing. According to NM Rep. Andrea Romero "This has been very clear throughout the meeting that this law was proposed by someone who has been proposing these laws in Texas and now he's brought them to Edgewood. They're coming from out of state and they're playing out these very litigious wars in our own state."

- **How can I sign the form?**

You can download the form on our website - we provide instructions for completing it and mailing it to us. You can also attend one of our events and sign a Petition. If neither of these options work for you, send us a note via the "Contact Us" button and someone will meet you to obtain your signature on the petition.

- **What is the Peace Walk about?**

This is an event to show our solidarity and support of the ordinance in a peaceful manner. We plan to walk from Walmart to Dinkle St and back