

From: toddhathorne@gmail.com
To: rules_sos_SOS
Subject: [EXT] FW: Comments regarding proposed changes to election rules Title 1 Chapter 10 Part 15
Date: Friday, August 28, 2020 10:25:44 AM

Please add these comments to the written portion of the public comment accepted today.

Todd R. Hathorne

From: William L. Lutz <wlutz@qwestoffice.net>
Sent: Thursday, August 27, 2020 2:17 PM
To: toddhathorne@gmail.com; 'David Tofsted' <dtofsted@gmail.com>; 'Lisa Parrott' <lisaparrott1@gmail.com>; 'Kelly O'Connell' <info@kellyolaw.com>; 'Greg Nibert' <greg.nibert@nmlegis.gov>; 'David Gallegos' <david.rsi@hotmail.com>; 'Carter B. Harrison' <carter@harrisonhartlaw.com>; 'Janice Arnold-Jones' <jearnoldjones70@gmail.com>
Subject: Re: Comments regarding proposed changes to election rules Title 1 Chapter 10 Part 15

On the proposed regulation it needs to have the following changes:

1.10.15.4—DURATION: ~~Permanent~~ Repealed effective December 31,2020.

Comment: Section 1-12-72 is repealed effective this date. The regulation would have no statutory authority after that date.

1.10.15.9Bb The first sentence should be amended to state “ For the purposes of interposing challenges, a challenger's permitted activities are those listed in Sections 1-2-23 and 1-12-72J NMSA 1978.

Comment: The right to challenge the information on the ballot flap was added by 1-12-72J. It is not contained in Section 1-2-23 NMSA 1978. Therefore, the proposed regulation is inconsistent with Section 1-2-72J.

You might want to also forward this e mail to sos.rules@state.nm.us.

William L. Lutz
P. O. Drawer 1837
Las Cruces, NM 88004
575-526-2449
FAX575-526-0946

From: toddhathorne@gmail.com
Sent: Thursday, August 27, 2020 1:33 PM
To: 'David Tofsted' ; 'Lisa Parrott' ; 'Bill Lutz' ; 'Kelly O'Connell' ; 'Greg Nibert' ; 'David Gallegos' ; 'Carter B. Harrison' ; 'Janice Arnold-Jones'
Subject: RE: Comments regarding proposed changes to election rules Title 1 Chapter 10 Part 15

This process is flawed rule making. We need to document very carefully here. IPRA anyone?

Todd

From: David Tofsted <dtofsted@gmail.com>

Sent: Thursday, August 27, 2020 12:39 PM

To: Lisa Parrott <lisaparrott1@gmail.com>; Todd Hathorne <toddhathorne@gmail.com>; Bill Lutz <wlutz@qwestoffice.net>; Kelly O'Connell <info@kellyolaw.com>; Greg Nibert <greg.nibert@nmlegis.gov>; David Gallegos <david.rsi@hotmail.com>; Carter B. Harrison <carter@harrisonhartlaw.com>; Janice Arnold-Jones <jeanoldjones70@gmail.com>

Subject: Re: Comments regarding proposed changes to election rules Title 1 Chapter 10 Part 15

Lisa,

With regard to your last point, perhaps we need to examine what the regulation says about bringing in additional people that we designate as mere "watchers". These folks could then act as liaisons between the challengers and could also be employed to help the challengers act in concert with one another.

I think you make a very valid point. Why should we call each of these people challengers if, in fact, they are not each permitted to act in their challenging roles?

It should also be mentioned that according to the regulations the presiding judge and the two elections judges are supposed to be the ones, in concert with one another, who are responsible for examining ALL of the ballot outer envelopes to determine eligibility of those ballot packets. But in my experience, the county clerk's representative has illegally designated AVB clerks to the task of determining for themselves whether these are qualified or not. So this task has been delegated away from the judges in the interest of time and expediency.

Or am I missing something?

Dave T.

On Thu, Aug 27, 2020 at 10:16 AM Lisa Parrott <lisaparrott1@gmail.com> wrote:

Dear Mr. Lange:

Please make these comments a part of the record in **tomorrow's** Zoom Public Meeting.

To my understanding **1.10.15** is currently labeled "Vacant," so I am puzzled by the proposed change to **1.10.15.4 "DURATION: Permanent."** What is the wording or phrase being changed to "permanent?"

In **1.10.15.9 Interposing Election Challenges:**

Section D is written broadly. Who defines the term "**orderly?**" Would it be the same people the

challengers are there to observe?

Section E. Who defines the term "**indiscriminately or without good cause?**" Would it be the same people whose actions you are challenging?

Section F. Challengers must have the authority to approach voters or talk to voters to possibly determine a voter's intent, especially during in-person voting situations which are being challenged.

Section G. Does the term "video cameras or recording devices" include taking pictures with a cell phone? In some instances, this may be the only way a challenger can obtain the evidence necessary to support his or her challenge.

Section H. Especially in the situation of "mail-in ballots" where various groups are processing ballots at the same time in different areas of the room, if only one challenger may interpose a challenge at a time, the challenger who observes the situation he or she is concerned about must leave their post and then go to the one person in the room who is allowed to voice the challenge, explain the situation to the "lead" challenger. While this is occurring both of those challengers' areas are being unsupervised. **The person who witnesses the infraction of the election code must be able to interpose the challenge. Too much time and information can be lost otherwise.**

Sincerely,

Lisa F. Parrott

2494 Cherokee Circle

Las Cruces, NM 88011-9024

(575) 496-5983