

THE NEW MEXICO SECRETARY OF STATE  
PUBLIC COMMENT HEARING RE PROPOSED RULEMAKING ON  
NMAC 1.10.14 and 1.10.16

Monday, July 29, 2019  
9:07 a.m.  
New Mexico State Capitol  
491 Old Santa Fe Trail, Room 322  
Santa Fe, New Mexico 87501

E X H I B I T S

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
	NUMBER																							
	Exhibit 1	Notice Published in the NM Register																						
	Exhibit 2	Article re Notice Published in the Albuquerque Journal																						
	Exhibit 3	Article re Notice Published in the SF New Mexican																						
	Exhibit 4	Notice of Cancellation of PC Hearing Published in the NM Register																						
	Exhibit 5	Notice of Proposed Rulemaking, Change of Time and Location, Published in the NM Register																						
	Exhibit 6	Proposed Rule to be Codified, Parts 1.10.14.1-.13 NMAC																						
	Exhibit 7	Proposed Rule to be Codified, Parts 1.10.16.1-.10, NMAC																						
	Exhibit 8	Electronic Correspondence re Posting of Notice of Rulemaking on Sunshine Portal																						
	Exhibit 9	Electronic Correspondence re Posting of Notice of Rulemaking on Sent to Interested Parties																						
	Exhibit 10	Correspondence to the NMLCS re Notice of Rulemaking																						
	Exhibit 11	Written Comment Received on Proposed Rules																						
	Exhibit 12	Hearing Attendance Sheets, 7-29-19																						

1                   SECRETARY OF STATE TOULOUSE OLIVER:

2   Without further ado, good morning. Welcome. I'm  
3   Maggie Toulouse Oliver, your Secretary of State.  
4   I'm happy to have you all here this morning.

5                   I just wanted to, before we formally start  
6   the hearing, welcome everybody here this morning,  
7   thank you for being here, for offering your feedback,  
8   and to let you know that Sharon Pino, who is our Deputy  
9   Secretary of State and Chief Counsel, will be acting  
10  as the Hearing Officer this morning, and she will be  
11  taking it from here.

12                  So, thank you all. We appreciate your  
13  valuable time and your feedback. Take care.

14                  DEPUTY SECRETARY OF STATE PINO: Okay.  
15  This hearing is about to come to order. Today is  
16  July 29th, 2019, and the time is 9:08, a.m., and we  
17  are assembled at the State Capital Building, Room 322,  
18  Santa Fe, New Mexico.

19                  I am Sharon Pino, Deputy Secretary of State.  
20  I will be acting as the Deputy Hearing Officer for the  
21  public comment hearing.

22                  The purpose of this hearing is for the New  
23  Mexico Office of the Secretary of State to receive  
24  public comments, views, argument, testimony and data  
25  on the proposed rule to be codified as parts 1.10.14

1 and 1.10.16 NMAC.

2 This hearing is being conducted pursuant to  
3 and in accordance with NMSA 1978, Sections 1-2-1,  
4 1-16-7, 1-22-16 of the Election Code, which authorizes  
5 the office to adopt and promulgate rules and  
6 regulations, to implement and provide uniform effective  
7 procedures for runoff elections, and how state and local  
8 ballot questions are to appear on the ballot.

9 In addition, this hearing procedure will  
10 comply with the State Rules Act.

11 Public notice of this hearing was provided  
12 to the public and published in the New Mexico Register  
13 on June 25th, 2019. Copies of the proposed rule have  
14 been available at the Secretary of State's office and  
15 posted on its website since the notice was published.  
16 Copies of the proposed rule are also available to the  
17 public attending this hearing on the table located near  
18 the door over there, so, hopefully, you all got copies  
19 of that.

20 This hearing is also being live-streamed on  
21 the Secretary of State's website at [http](http://www.sos.state.nm.us), and we have  
22 all the backslashes, and [www.sos.state.nm.us\](http://www.sos.state.nm.us).

23 I ask all members in attendance today to  
24 please silence your cellphones, and ask that any  
25 extended conversations please be held outside of the

1 room.

2 Okay. Hopefully, everybody has had a chance  
3 to sign in on the attendance sheets.

4 May I remind everyone to sign the attendance  
5 sheets that will later be entered as exhibits into the  
6 record for this hearing. So, if you have not done that,  
7 please do so.

8 Now, let the record show that staff from the  
9 Secretary of State is present. Of course, you have all  
10 just heard from the Honorable Maggie Toulouse Oliver,  
11 our Secretary of State. We have our Elections Director,  
12 Mandy Vigil, and our Deputy Elections Director Dylan  
13 Lange.

14 This is a formal proceeding and a court  
15 reporter, right over there, has been designated to  
16 transcribe the proceedings. The transcript of this  
17 hearing will become part of the Rules Hearing record.

18 Therefore, persons recognized to testify or  
19 offer comment are asked to, one, please identify  
20 yourself for the record by name and relevant  
21 affiliation, if any, each time you address the Hearing  
22 Officer, and please speak loudly and clearly so the  
23 recorder can pick up your comments.

24 I'll now go over the format for the hearing.

25 This hearing will be conducted in the

1 following manner and in accordance with 1.24.25.13  
2 NMAC:

3 First, the Secretary of State's staff will  
4 present exhibits. I, as the Hearing Officer, will  
5 rule on the admissibility of the exhibits offered for  
6 admission. Exhibits admitted into evidence are  
7 available for review by members of the public.

8 After staff offers exhibits and their  
9 admission has been ruled upon, I will open the hearing  
10 for testimony and comments from the Office. If you  
11 have indicated that you would like to testify, you  
12 should have signed your name on the corresponding  
13 attendance sheet.

14 Again, if you've noticed, on the attendance  
15 sheets, we're doing it by each section as we go  
16 through. So, please, if you want to comment on several  
17 sections, make sure that you sign up on that sheet for  
18 that section so, as we're going through, you have the  
19 opportunity to provide your comments.

20 We will proceed in numerical sequence through  
21 each part of the proposed rule, starting with the  
22 Top-Two Runoff and Ranked Choice Voting Rule, followed  
23 by the Ballot Question Rule. I will call individuals  
24 to testify in the order they have signed up.

25 After public comment is given on the specific

1 section of the rule, I will call for general public  
2 comment. If you would like to give a general comment  
3 about either of the proposed rules, please save your  
4 comment until the general comment period, which will  
5 be at the end.

6 The Secretary of State's staff will introduce  
7 the part of the rule in which we will receive testimony.  
8 After the part of the rule is introduced, I will call  
9 for testimony.

10 Speakers will address only one part of the  
11 rule at a time. Please limit your testimony to only  
12 the part of the rule we are receiving testimony on.

13 Again, at the end, if you just have general  
14 comment on the rule, you'll have the opportunity to  
15 provide that. However, you may refer to other parts of  
16 the rule that reasonably relate to the part of the rule  
17 being discussed or which relate to your comments.

18 I further ask that people do not applaud or  
19 voice opposition after hearing a particular comment.

20 The Secretary of State does not follow the  
21 Rules of Evidence and, therefore, the Hearing Officer,  
22 that would be me, may, in the interest of efficiency,  
23 exclude or limit comment or questions deemed irrelevant,  
24 redundant or unduly repetitious.

25 The decision as to whether such exhibits,

1 testimony, commentary or other evidence is irrelevant,  
2 redundant or unduly repetitious shall be made by me,  
3 the Hearing Officer.

4 May I have a show of hands on the number of  
5 people who intend to testify or comment on the proposed  
6 rules or rule amendment?

7 I see we have two people raising their hands.

8 Okay. So, we typically limit -- again, because  
9 we're going section by section, we do have three hours  
10 scheduled for this hearing. So, on each section, we'll  
11 allow people five minutes to give their comments on  
12 that section before we move to the other person, again,  
13 so we're respecting everybody's time.

14 After a person has testified or offered  
15 comments, any members of the audience wishing to question  
16 that person may do so after being recognized by the  
17 Hearing Officer.

18 Each person recognized to speak shall  
19 identify him or herself for the record. Questions will  
20 be limited to only clarifying questions to the person  
21 who has offered testimony.

22 In asking clarifying questions, please be  
23 aware that this hearing is scheduled, again, for three  
24 hours, and we need to be respectful of everybody's time.

25 The public hearing is intended to provide the



1 public with an opportunity to voice opinions on the  
2 proposed rules.

3 Now, to go over the exhibits entered into  
4 evidence.

5 This is a public hearing and, since it's  
6 now open, Secretary of State, do you have any exhibits  
7 to introduce into evidence at this time?

8 DEPUTY ELECTIONS DIRECTOR LANGE: I do. I  
9 would like to offer, together, Exhibits 1 through 11.

10 Exhibit 1 is the Notice of Rulemaking  
11 published in the New Mexico Register.

12 Exhibit 2 is a newspaper article regarding  
13 the Notice of Rulemaking published in the Albuquerque  
14 Journal.

15 Exhibit 3 is an article regarding the Notice  
16 of Rulemaking published in the Santa Fe New Mexican.

17 Exhibit 4 is the notice of Cancellation of  
18 Public Comment Hearing published in the New Mexico  
19 Register.

20 Exhibit 5 is the Notice of Proposed Rulemaking  
21 Change filed in the New Mexico Register.

22 Exhibit 6 is our draft rule codified -- will  
23 be codified in part 1.10.14, Ranked Choice Voting and  
24 Top-Two Runoff Election.

25 Exhibit 7 is our proposed rules to be codified

1 in part 1.10.16.1 through .10, Ballot Question Rule.

2 Exhibit 8 is our electronic correspondence  
3 regarding the posting of the Notice of Rulemaking on the  
4 Sunshine Portal.

5 Exhibit 9 is electronic correspondence sent  
6 regarding the Notice of Rulemaking to interested parties  
7 in our press release.

8 Exhibit 10 is correspondence to the New Mexico  
9 Legislative Council Service regarding the Notice of  
10 Rulemaking.

11 And Exhibit 11 is all written comment received  
12 as of Sunday by 5 p.m., so far.

13 And I move to enter these 11 documents or 11  
14 exhibits into the record.

15 DEPUTY SECRETARY OF STATE PINO: So, Exhibits 1  
16 through 11 have been offered for entry into the record,  
17 and I will accept Exhibits 1 through 11. They are, hereby,  
18 admitted into the record.

19 Now, any person wishing to submit additional  
20 data, views, argument or testimony shall do so after being  
21 recognized, again, by the Hearing Officer.

22 Each document shall be introduced as an exhibit  
23 into the record. Upon ruling on the admissibility, each  
24 exhibit will be marked and numbered and entered into the  
25 record.

1           The proposed rule has now been entered into the  
2 record.

3           I will now open the floor to the audience for  
4 testimony and comments on each part of the rule, and we'll  
5 go through it part by part.

6           The audience may, again, ask clarifying questions  
7 of each person if a person speaks and gives comments and  
8 offers testimony or commentary.

9           And, again, we'll allow five minutes per person  
10 to respond to the clarifying question.

11           To begin with, again, we're going to start with  
12 just a general -- and I mentioned you'll have time to give  
13 specific comments at the end -- if you have general  
14 comments on the overall rule.

15           But if we can just start by seeing a show of  
16 hands of people who are in attendance who support the rule.

17           Okay. We have one right there, two.

18           And may I see a show of hands for people who  
19 oppose the rule?

20           So, we have one, two, three.

21           So, let's start. Will anyone wishing to comment  
22 on Proposed Rule 1.10.14.7 -- and, actually, we're going  
23 to start with the first part of that rule.

24           Theresa, can I please have the sign-in sheets?

25           Okay. So, we'll start with the first part of

1 Part 14. That would be 1.10.14.1 through 1.10.14.6. We  
2 have one person signed up to give comment on that, and  
3 that is Chris Micheles.

4 MR. MICHELES: Shall I sit here?

5 DEPUTY SECRETARY OF STATE PINO: Yes. You can  
6 come up.

7 MR. MICHELES: My name is Chris Micheles.

8 And what else?

9 DEPUTY SECRETARY OF STATE PINO: Your comment  
10 on those particular sections. I have that, again, you  
11 listed as your organization, retired.

12 And so your comment on Section 1 through section  
13 6?

14 MR. MICHELES: First, I have some confusion. I  
15 probably meant to sign up for general comment, but I have  
16 a question before I resume my seat.

17 When do we get to make procedural comments?

18 DEPUTY SECRETARY OF STATE PINO: Here, we are  
19 accepting comments on the Rule, and, as I stated, going  
20 through our procedures for the Rules, we are following all  
21 the state rules and have laid out the procedure. So, right  
22 now, we are accepting comments on Section 1 through  
23 Section 6 of 1.10.14.

24 MR. MICHELES: When do we get to see the  
25 exhibits?

1           DEPUTY SECRETARY OF STATE PINO:  If you would  
2   like to make general comments, again, at the end, you  
3   would be able to do that.

4           MR. MICHELES:  When do we get to see the  
5   exhibits?

6           DEPUTY SECRETARY OF STATE PINO:  Would you  
7   like to see them now?

8           MR. MICHELES:  Yes.

9           DEPUTY ELECTIONS DIRECTOR LANGE:  We can go  
10  over there and take a look.

11          MR. MICHELES:  At the exhibits?

12          DEPUTY ELECTIONS DIRECTOR LANGE:  Correct.

13          MR. MICHELES:  Are they over there?

14          DEPUTY ELECTIONS DIRECTOR LANGE:  I can bring  
15  them over to you.

16          MR. MICHELES:  I'm amazed that they weren't  
17  available.  Thank you.

18          DEPUTY SECRETARY OF STATE PINO:  So, we have  
19  accepted the comment on Sections 1 through 6, and we  
20  will proceed on to the next section.

21                 Just one second, please.

22                 Okay.  So, we are moving on to Section 7,  
23  which is the Definitions section.  Please make your  
24  way to the front if you have signed up to give testimony  
25  on the Definitions section.  And please remember each

1 speaker will have five minutes to provide testimony.

2 And I have listed for comments on Section 7  
3 -- I'm sorry, we have one more person listed to give  
4 comments on Sections 1 through 6.

5 Charlotte Harrington?

6 MS. HETHERINGTON: Are we on the ballot  
7 section now?

8 DEPUTY SECRETARY OF STATE PINO: Sorry about  
9 that. We're getting ourselves organized.

10 MS. HETHERINGTON: Are you still on 14,  
11 though?

12 DEPUTY SECRETARY OF STATE PINO: Yes.

13 So, we do not have anyone signed up to give  
14 comment on the Definitions section, which is Section 7  
15 of 1.10.14.

16 Okay. So, we will move on to Section 8,  
17 Top-Two Runoff Elections, 1.10.14.8. We do not have  
18 anyone signed up to give any comment on 1.10.14.8.

19 Is there anyone who didn't sign up who would  
20 like to give comment on that section?

21 Okay. Sir, have you signed in?

22 MR. LAMAR: No, I haven't.

23 DEPUTY SECRETARY OF STATE PINO: You can go  
24 ahead and come up, and state your name and organization,  
25 and sign up at the end. That would be great.

1 MR. LAMAR: No problem.

2 DEPUTY SECRETARY OF STATE PINO: So, you have  
3 some comment to provide on Section 8?

4 MR. LAMAR: Yes.

5 First, I would like to thank you for letting  
6 me speak today. My name is Christopher Lamar. I'm  
7 legal counsel for the Redistricting Program of the  
8 Campaign Legal Center.

9 The Campaign Legal Center is a non-partisan,  
10 non-profit organization, based in Washington, D.C., that  
11 works to strengthen American democracy across all levels  
12 of government.

13 I have two comments on two different sections,  
14 so I'll just keep this discussion, I guess, straight to  
15 Section 8.

16 So, for the ballot design, which is what  
17 Section 8 primarily talks about, the proposed rule  
18 mandates that all ballots must allow voters to rank  
19 all candidates, including instructions on how to vote,  
20 and requires that sample ballots be posted in or near  
21 the voting booth.

22 While these measure will decrease voter  
23 confusion and allow local officials to tailor ballot  
24 design to the needs of their communities, the CLC  
25 recommends that the Secretary supplement the proposed

1 rule with a requirement that each locality using RCV  
2 test its ballot before the design is finalized. Ballot  
3 testing will help confirm that voters intuitively  
4 understand how to properly fill out each locality's  
5 ballot. Confusing ballots create administrative  
6 headaches on Election Day as poll workers try to  
7 instruct citizens on how to cast their vote. Simple  
8 ballot testing would prevent these administrative  
9 challenges while guaranteeing that voters can make  
10 their voice heard.

11 In addition to ballot testing, we also  
12 recommend that the final rule require localities to  
13 undertake some voter education before the first RCV  
14 election.

15 Voters using RCV for the first time are  
16 often confused by differences between RCV and  
17 traditional plurality voting. Public education  
18 efforts by local election officials will be key to  
19 helping voters understand candidate rankings and how  
20 those rankings decide the election. Even simple and  
21 inexpensive public education will increase voters's  
22 comfort with RCV.

23 One particularly cheap and effective  
24 option may be to direct localities to include  
25 information and a sample ballot in an existing



1 community mailing.

2 For example, the City of Las Cruces  
3 uses or is planning to mail voters information  
4 about RCV in their utility bill.

5 And that is my comment for Section 8.

6 DEPUTY SECRETARY OF STATE PINO: Thank  
7 you. And I have the sign-in sheet for Section 8.

8 MR. LAMAR: Okay.

9 DEPUTY SECRETARY OF STATE PINO: Thank  
10 you.

11 MR. LAMAR: Thank you.

12 DEPUTY SECRETARY OF STATE PINO: Okay.

13 Mr. Lamar, did you have any documents that you  
14 would like to offer as exhibits for Section 8?

15 MR. LAMAR: We submitted a public comment  
16 on the record earlier last week, and so I think that  
17 is sufficient for us.

18 DEPUTY SECRETARY OF STATE PINO: Thank  
19 you.

20 So, we are moving on to Section 9,  
21 Tabulation for Single-Winner Elections. I have  
22 no one signed up to give public comment for  
23 1.10.14.9.

24 Is there anyone in the audience who  
25 came in late, who did not have the opportunity

1 to sign in on the sign-in sheet and would like to  
2 offer public comment for Section 9?

3 (No response.)

4 Okay. So, we are going move on to  
5 Section 10, which is Tabulation for Multiple-Winner  
6 Elections. I do not have anyone signed in on the  
7 sign-up sheet to give comment to Section 10.

8 Is there anyone who came in late, who  
9 did not have the opportunity to sign in on the  
10 sign-up sheet, who would like to offer public  
11 comment for 1.10.14.10?

12 (No response.)

13 Okay. There being no comment, we will  
14 move on to the next section of the Rule, and that  
15 is Section 11, Results for Ranked-Choice Voting.

16 I have Christopher Lamar, Campaign Legal  
17 Center, signed up to give comment for Section 11.

18 So, Mr. Lamar, would you please make  
19 your way up?

20 We should have just had you stay there.

21 MR. LAMAR: No problem. Thank you  
22 again.

23 So, our second major recommendation  
24 concerns the way election results are communicated  
25 to the public. The proposed rule provides that

1 the Secretary will post the results, quote, online,  
2 in the statewide reporting system, but the rule  
3 does not specify the form that this posting will  
4 take. Additionally, the rule does not mandate  
5 the languages in which the rules should be  
6 communicated.

7 As the RCV instant runoff process is  
8 carried out, candidates are eliminated from  
9 consideration and continuing, ballots are  
10 redistributed on the remaining candidates. In  
11 many elections held under RCV, multiple rounds  
12 of instant runoff are required to determine the  
13 victor. Candidates who were behind in the initial  
14 tally may pull ahead in later rounds.

15 When voters are used to simple plurality  
16 elections, the instant runoff process can seem  
17 mysterious and even suspect.

18 In order for the public to trust  
19 election results and RCV itself, it is essential  
20 that the entire instant runoff process be made  
21 accessible to the public. Merely, releasing the  
22 results of the final runoff or, worse, releasing  
23 incomplete snapshots of the runoff process can  
24 create confusion and charges of incorrect  
25 tallying.

1           In order to avoid casting doubt on  
2 the RCV process, the rule should mandate that  
3 the results of each step of the runoff  
4 process be posted in their entirety.

5           Additionally, the results should be  
6 made available in a way that makes it simple  
7 for the average voter to understand what  
8 happened after each round of runoff, which  
9 candidate was eliminated, how ballots supporting  
10 the eliminated candidate were reallocated, and  
11 how many ballots were exhausted.

12           Publicly posting a comprehensive  
13 explanation of the election does more than educate  
14 voters. It also allows candidates to evaluate  
15 their campaign tactics and adjust potential future  
16 campaigns accordingly.

17           Finally, the rule should require that  
18 the election results and their accompanying  
19 explanations be made available in multiple  
20 languages when appropriate.

21           The Secretary is already required to  
22 make notices of elections, voter registration  
23 forms, sample ballots and other materials  
24 available in Spanish. The Secretary is also  
25 required to broadcast notices of elections in

1 Native American languages in  
2 counties covered by the Federal Voting Rights  
3 Act.

4 In closing, the rule should build on  
5 this foundation by mandating that any published  
6 results of the RCV process be made available in  
7 Spanish throughout the state and be made available  
8 in Native American languages in the appropriate  
9 counties.

10 DEPUTY SECRETARY OF STATE PINO: Thank  
11 you. And I know you stated before you all  
12 offered --

13 MR. LAMAR: Written comments, yes.

14 DEPUTY SECRETARY OF STATE PINO: Do  
15 you have any exhibits that you would like to  
16 offer for Section 11?

17 MR. LAMAR: No thank you.

18 DEPUTY SECRETARY OF STATE PINO: So,  
19 we are going to move on to Section 12, entitled  
20 Top-Two Runoff Elections.

21 I do not have anyone signed up to  
22 give public comment for 1.10.14.12.

23 Was there anyone who came in late or  
24 did not have the opportunity to sign in on the  
25 sign-up sheet who would like to offer public

1 comment for Section 12, Top-Two Runoff  
2 Elections?

3 (No response.)

4 Okay. So, we are going to move on  
5 then to Section 13, Severability Clause.

6 I do not have anyone signed up to  
7 offer public comment for the Severability  
8 Clause.

9 Is there anyone, again, who came  
10 in late, who didn't have the opportunity to  
11 sign in on the sign-up sheet and would  
12 like to offer some public comment for Section  
13 13?

14 (No response.)

15 So, we have concluded the public  
16 comment on the Ranked-Choice Rule, and we will  
17 now move on to the Ballot Question Rule, 1.10.16.

18 So, we will start with Sections 1  
19 through 6. That is the issuing agency, the  
20 scope, statutory authority, duration, effective  
21 date and objection.

22 I have two people signed up to give  
23 public comment on Sections 1 through 6. The  
24 first being Charlotte H. Harrington with Cuddy  
25 & McCarthy.

1           Ms. Harrington, would you like to  
2     make your way up and, please, offer your  
3     public comment.

4           MS. HETHERINGTON: Thank you. It's  
5     Hetherington.

6           DEPUTY SECRETARY OF STATE PINO: Oh,  
7     Hetherington. I'm so sorry.

8           MS. HETHERINGTON: I believe that  
9     our written comments were made part of Evidence  
10    Item No. 11, so I will just be brief, if I can,  
11    about my concerns.

12           And, if I am the only person who  
13    has signed up to speak about the ballot rule,  
14    do you mind if I just stay here?

15           DEPUTY SECRETARY OF STATE PINO: We  
16    have one other person behind you, just for  
17    these sections.

18           MS. HETHERINGTON: Okay.

19           Really, my comment on the first  
20    section has to do with the objective section,  
21    1.10.16.6, and that is to remind the Secretary  
22    of State's office that it is guideline that  
23    the Secretary of State has the authority to  
24    promulgate when it comes to ballot questions.  
25    And I'm making that comment because it affects

1 some of the language in the rest of the rule  
2 that I would like to comment on.

3 DEPUTY SECRETARY OF STATE PINO: Okay.  
4 Thank you.

5 And the second person we have signed  
6 up to give comment on Sections 1 through 6 would  
7 be Chris Micheles, retired.

8 Mr. Micheles?

9 MR. MICHELES: I was just confused by  
10 your process. I intend to make general comments.

11 DEPUTY SECRETARY OF STATE PINO: Thank  
12 you.

13 Is there anyone else in the audience  
14 who came in late and would like to offer comments  
15 on Sections 1 through 6?

16 Anyone?

17 (No response.)

18 Okay. So, we will move on to the next  
19 section. The next section would be Section 7,  
20 1.10.16.7, Definitions.

21 I do not have anyone signed up to give  
22 comments about Section 7, the Definitions section?

23 Is there anyone in the audience who did  
24 not sign in on the sign-up sheet who would like to  
25 offer public comment on Section 7?



1           Thank you. And just state your name and  
2 your organization.

3           MS. HETHERINGTON: Again, Charlotte  
4 Hetherington. I'm a partner with Cuddy & McCarthy,  
5 and our firm represents school districts in every  
6 county in New Mexico, and, therefore, we work  
7 with county clerks in every county in New Mexico  
8 when it comes to various school district elections.

9           And my comments really are focused on two  
10 areas. I think I should probably sign up separately  
11 with the sign-up sheet for Sections 7 and 8 after  
12 my testimony.

13           DEPUTY SECRETARY OF STATE PINO: Yes.

14           MS. HETHERINGTON: So, I appreciate that.

15           The first has to do with 1.10.16.7 B, the  
16 definition of condensed text. And I think that --  
17 first of all, I think that there really is no  
18 statutory basis for the Secretary to be able to  
19 condense the text in a ballot question. As I will  
20 discuss later, there are both constitutional and  
21 statutory requirements imposed on school boards and  
22 school districts when it comes to the authorization,  
23 either to impose tax levies under the Public School  
24 Buildings Act and the Public School Capital  
25 Improvements Act, and constitutional and statutory

1 provisions that relate to ballot questions when it  
2 comes to issuance of General Obligation bonds.

3 And I believe those statutes control what the text  
4 of a ballot question can be for school districts,  
5 so to have this general language in here about  
6 condensed text is too broad if it is intended to  
7 include school districts and school boards.

8           Second, I think that, generally, if one  
9 were to look at, not only the school district  
10 statutes, but the other statutes that relate to  
11 ballot questions, having to do so with tax levies  
12 in particular, there is always statutory language.  
13 And I think it is not within the purview of the  
14 Secretary of State to determine whether or not  
15 the statutory language is ambiguous or whether it  
16 is phrased in a way that is prejudicial. I think  
17 that that is something that the legislature has  
18 the final say on.

19           My next comment has to do -- and I'm  
20 sorry I didn't notice this earlier -- but under  
21 local Government Ballot Question D, Subparagraph  
22 1, where it refers to tax authorization for bond  
23 sales, I think the more appropriate term would  
24 be bond issues because it is sometimes the case  
25 that voters may approve the issuance of bonds

1 but not the entire authorization sold. So,  
2 it's really the voters who are approving the  
3 issuance of bonds and the imposition of debt  
4 as a consequence of bonds being issued.

5 And those are my comments on  
6 1.10.16.7.

7 DEPUTY SECRETARY OF STATE PINO: Would  
8 anyone in the audience wish to ask any clarifying  
9 questions of the speaker?

10 (No response.)

11 DEPUTY SECRETARY OF STATE PINO: Thank  
12 you.

13 MS. HETHERINGTON: Thank you.

14 DEPUTY SECRETARY OF STATE PINO: So, we  
15 will move to the next section, which is Section 8,  
16 Text of Ballot Questions.

17 I have Chris Micheles, retired, signed  
18 up to give public comment on 1.10.16.8.

19 Mr. Micheles?

20 MR. MICHELES: Again, I'm confused by  
21 your process.

22 DEPUTY SECRETARY OF STATE PINO: Okay.  
23 So, we have no questions or public comment on  
24 Section 8, Text for Ballot Questions.

25 We will move on to the next section.

1 Oh, I'm sorry.

2 So, the next person, who has any comment  
3 on Section 8, Text of Ballot Questions, please come  
4 forward and state your name and your organization.

5 MS. HETHERINGTON: Charlotte Hetherington  
6 with Cuddy & McCarthy, and I am speaking, not only  
7 for the firm as legal counsel for school districts  
8 within New Mexico, but also for a number of school  
9 districts that we represent.

10 And my first comment has to do with  
11 Subsection A of 1.10.16.8, which says, "In the  
12 interest of convenience and consistency, a ballot  
13 need not contain the full text of a proposed  
14 ballot question. A condensed text can be used as  
15 prepared or approved by the Secretary of State."

16 I think it is unclear. Let me just  
17 start by working backwards through Subsection A.

18 I think it is unclear about who would  
19 be authorized to prepare the condensed text, if a  
20 condensed text is appropriate, because it says it  
21 can be used as prepared or approved by the  
22 Secretary of State.

23 Further on down, it does talk about  
24 an appropriate election official being able to  
25 submit a proposed form of text, in Subsection D.

1           There is no avenue for a local  
2 government to approve what either the Secretary  
3 of State or a local election official may prepare.  
4 There is no opportunity to review it. There is  
5 no opportunity to reject it.

6           So, assuming that a condensed text is  
7 appropriate, it still has those infirmities.  
8 It is the local government that will be sued if  
9 there is an election contest. It is the local  
10 government that is responsible for attempting to  
11 explain to its electorate in the preelection  
12 process what it is that the government is asking  
13 to be approved. And there is an inconsistency  
14 between what would be in the condensed text and  
15 what would be on both the local government's  
16 website, the county clerk's website and on the  
17 Secretary of State's website because  
18 each of those websites will contain the  
19 resolution, which has the full ballot question  
20 text in it. So, for there to be that  
21 inconsistency, I think will be very confusing  
22 to voters when they go in the voting booth.

23           But my real concern about 16.8A and  
24 16.8D and 16.8G is the concept that a condensed  
25 text is appropriate when it comes to

1 levy elections for school districts.

2           The state constitution, in Article 9,  
3 Section 11, has specific requirements for how  
4 school districts issue debt, and there are  
5 enumerated specific purposes. A condensed  
6 text may or may not address all of those  
7 components in the constitution, and, if it  
8 does not, there is a constitutional infirmity.

9           If it does comply with the  
10 constitution, then there is no reason to  
11 call it a condensed text.

12           In addition, the Public School  
13 Buildings Act, which is 22-26-1, and the  
14 Capital Public School Improvements Act,  
15 which is 22-25-1, each have in them specific  
16 legislative requirements for how tax levy  
17 elections are to be authorized and to be  
18 conducted.

19           And I do not think that the  
20 Secretary of State's general responsibilities  
21 when it comes to overseeing the uniformity  
22 of statewide elections can be considered the  
23 overriding rule. I think that, under the  
24 legal concept of general versus singular, the  
25 singular controls over the general.

1 And, in this case, it would be those two  
2 statutes that describe what the resolution  
3 that the board adopts should contain and the  
4 fact that what is presented to the electorate  
5 for a vote on election day has to be consistent  
6 with what is in the resolution, not in what  
7 may be a condensed version.

8 My other concern in Subsection D  
9 has to do with the statement in the second  
10 sentence, "The proposed form of the condensed  
11 text shall properly describe the ballot  
12 question."

13 Sorry. I'm jumping. "The proposed  
14 form of the proposed text need not contain  
15 any legally inoperable language." This term  
16 "legally inoperable language" is not defined.

17 May I continue?

18 In other forums, that would be my  
19 clue to shut up.

20 The term "legally inoperable  
21 language" is not defined in this rule. It's  
22 not defined in any statute, and it's not  
23 defined in any case law that I was able to  
24 find, so how one would determine what is  
25 legally operable and what is legally

1 inoperable is left to the sole discretion  
2 of the Secretary of State, and, without  
3 guidelines, the question arises about  
4 whether the decision to include or exclude  
5 language becomes subject to claims that it  
6 is arbitrary and capricious.

7 We urge you to remove the language  
8 about a condensed text. We think it poses a  
9 risk to the Secretary of State, and we think  
10 it opens the door for lawsuits against local  
11 governments when it is unnecessary.

12 Thank you.

13 DEPUTY SECRETARY OF STATE PINO: Ms.  
14 Hetherington, did you have any exhibits that  
15 you would like to offer into the record?

16 MS. HETHERINGTON: Other than the  
17 letter that is contained in Exhibit No. 11,  
18 I do not.

19 DEPUTY SECRETARY OF STATE PINO: Thank  
20 you.

21 And do any members of the audience  
22 have any clarifying questions for Ms.  
23 Hetherington?

24 (No response.)

25 Okay. There being none. Thank you.



1           So, we will move on to Section 9,  
2   Ballot Position. I do not have anyone signed  
3   up on the sign-up sheet to give public  
4   comment for 1.10.16.9.

5           Is there anyone in the audience  
6   who was unable to sign in on the sign-up  
7   sheet and would like to offer public comment on  
8   that section, Section 9?

9           (No response.)

10          There being none, we will move on to  
11   Section 10, Severability Clause. I do not have  
12   anyone signed up for 1.10.16.10, Severability  
13   Clause.

14          I would ask, please, if you have any  
15   outside conversations, if those can move to the  
16   outside. We are trying to make a record. Thank  
17   you so much.

18          Is there anyone in the audience who  
19   was unable to sign in on the sign-up sheet who  
20   would like to offer any public comment for  
21   Section 10, Severability Clause?

22          (No response.)

23          Okay. There being none.

24          Ms. Hetherington, if we can have you  
25   sign in on the sign-up sheet for Section 7 and

1 Section 8.

2 Okay. So, we are now going to open  
3 it up for general comment on the two proposed  
4 rules and, in order listed, I will call you up,  
5 and you will have the opportunity to offer your  
6 public comment. And then, again, if anybody has  
7 any clarifying questions, we will allow you to  
8 do that.

9 So, let's see. We have a few people,  
10 a couple of people who have indicated they would  
11 like to speak on that.

12 So, the first one I have is Charlotte  
13 Hetherington with Cuddy & McCarthy.

14 MS. HETHERINGTON: And I have made my  
15 comments already, so thank you.

16 DEPUTY SECRETARY OF STATE PINO: Thank  
17 you.

18 And the second person that we have  
19 signed up who would like to give general comment  
20 is Chris Micheles, retired.

21 Mr. Micheles, if you would like to  
22 come up.

23 MR. MICHELES: Thank you. My name is  
24 Chris Micheles and, for completeness, I'm retired  
25 from Los Alamos.

1           DEPUTY SECRETARY OF STATE PINO: Thank  
2 you.

3           MR. MICHELES: I have a number of  
4 comments, and I'll begin with comments as to your  
5 process, which I find confusing and possibly  
6 illegal, and I think you should have addressed  
7 the illegalities early in this hearing rather than  
8 waiting for a general comment period.

9           Ordinarily, I would expect to say, if  
10 I have to challenge the process itself, I should  
11 be able to do that earlier in the hearing based  
12 upon my experience at other hearings.

13           The first issue I would raise as an  
14 issue, which is a very simple one, is public  
15 hearing notice.

16           I learned about this hearing by accident  
17 because I was looking at the Secretary of State's  
18 website, looking for something else, which I was  
19 having trouble finding. And I stumbled across this  
20 hearing, and I was quite surprised because  
21 it does not show up in the customary place, which  
22 is the public notices on the --

23           What do you call it? What is it?

24           It's our Sunshine site. There is a  
25 public notice there that -- if you advertise in

1 the public newspaper, it shows up in the public  
2 notices, and that has long been the place for  
3 public notices in New Mexico.

4 I understood when you said that earlier  
5 that you had filed public notice with the New  
6 Mexican and The Journal.

7 You didn't. If you had filed public  
8 notices, a legal notice, it would have been in  
9 the public notices on the Sunshine Portal.  
10 It wasn't, so I missed it.

11 What you did was you gave interviews,  
12 apparently, with The Journal and with the New  
13 Mexican. That is not the same thing. That is  
14 giving an interview. That is not filing notice.

15 If you intended to file notice, you  
16 failed because you didn't. That is a potential  
17 legal problem because you said that you filed  
18 notice, which implies that you thought you had  
19 filed notice, and you didn't file notice. So,  
20 I suggest that that, right now, raises a  
21 serious concern.

22 Another problem I had was I was  
23 reading -- I was reading off the notice that  
24 you did file, which was on the Sunshine Portal,  
25 and it has some real problems, which, again, may

1     compromise the very validity of the hearing.

2             The problem that I ran into was  
3     the way your website is linked -- the way your  
4     website is linked to the Sunshine Portal.

5             The Sunshine Portal, by the Rules  
6     Act, must -- your notice must be filed through  
7     the Sunshine Portal. And, just on its face,  
8     the Sunshine Portal is intended to be where  
9     you put the information for this hearing.

10            You have a choice, however, which is  
11    to put the information on your website and  
12    link to it off the portal. You have chosen to  
13    do that. That is not uncommon.

14            But what is uncommon is, and I've  
15    attended many such hearings, is ordinarily the  
16    link off the Sunshine Portal links to -- I  
17    mean, it's a solid link. It goes to a file  
18    so there is no confusion. You have, for  
19    example, the materials you are having the  
20    hearing on, the link goes to a file that  
21    contains that information.

22            Yours doesn't. The link you've got  
23    goes to the Secretary of State's website.

24    So, you blast in, not on a file, but on a  
25    website, and then are you supposed to poke

1 around and go looking for where the  
2 information could possibly be on the Secretary  
3 of State's website.

4 That is not the intention of how  
5 you are supposed to file data on the Sunshine  
6 Portal. If you have a link, the link  
7 should go to the file. It shouldn't go to  
8 an opportunity to wonder around on the  
9 website. So, I understand your linkage was  
10 inappropriate, incorrect and inadequate and  
11 failed to satisfy the Rules Act requirement.  
12 You didn't make those links correctly  
13 with the least amount of confusion, especially  
14 my confusion, and I'm pretty experienced.

15 The other problem I had, I ran into  
16 last night and again this morning when I  
17 tried it was when I tried to download the  
18 files. You have a list of the comment files.  
19 I found that fine. That was there. But,  
20 when I tried to download those comment files,  
21 which, again, are legally required to be  
22 available for comment at that point, those  
23 comment files are legally required to be  
24 posted, I couldn't open them.

25 Now, the question is, Why?

1           Why couldn't I open those files?

2           About four or five days ago, I  
3   could open the first file that was presented.  
4   This morning, I couldn't open any of the comment  
5   files; nor, could I open them last night.

6           If you had put those files -- again,  
7   if you had put those files in the Sunshine  
8   Portal, then they would be available. When you  
9   link to those files, and they are not available,  
10   you've got a problem. And that is what you  
11   did, you linked to those files that are not  
12   available.

13           By the way, I'm running a Windows  
14   -- a Windows PC is what I'm running. Maybe it  
15   works for somebody else, but it doesn't work  
16   for me. And a Windows operating system is not  
17   exactly exotic.

18           So, what I get when I try to get  
19   those files is some crazy set of texts running  
20   down below, which, among other things,  
21   refers to some -- I see some Facebook  
22   references, some Twitter references. I don't  
23   know how the heck you linked those files,  
24   but they don't work for my Windows PC.

25           So, I think you've got some real

1 problems. I don't think you've met your  
2 notice requirements. I don't think you've  
3 met your requirements as how the text should  
4 be available because it's not. So I think  
5 you've got a problem with having a legal  
6 hearing.

7           The other problem I have is, I  
8 think that the way you make or don't make --  
9 I thought maybe you would have the comments  
10 commonly available here so I could just examine  
11 them here, even though I couldn't access them  
12 from my computer, but you didn't. I had to ask  
13 you if we could please look at them because you  
14 didn't have copies available for the public.  
15 I don't understand why you didn't have copies  
16 available for the public. That would  
17 be a minor issue.

18           The other thing you didn't have  
19 available for the public, which I think is,  
20 again, very problematic in my eyes, is  
21 that you mentioned a public hearing format,  
22 but no copy of that public hearing format  
23 is available to the public.

24           Is the public to guess what the  
25 format is?



1           Most of the members of the people  
2 aren't going to really recognize it when you  
3 say Title 1, Chapter 24, Part 21. They won't  
4 know what the heck you are talking about.  
5 So, you just spoke a bunch of gobbledygook to  
6 somebody and said, "I will know what it is,  
7 and you probably won't."

8           Is that openness?

9           I think you should be posting  
10 those hearing formats so people can actually  
11 see the hearing format that you are intending  
12 to follow.

13           Why don't you?

14           That is a good question.

15           I asked Mr. Lange, I suggested  
16 to him -- we had an e-mail exchange on the  
17 matter. I suggested that he make a copy  
18 available to the public at this hearing. He  
19 chose not to.

20           Why?

21           These are all openness issues.

22           But basically the public trying to  
23 approach you on this matter, you've made it  
24 very difficult and almost impossible to  
25 participate fruitfully in this hearing.

1           And I'm experienced. My work at  
2 Los Alamos was with computers. I'm not stupid.  
3 I can usually find stuff, and you've made  
4 some stuff I can't find, and I think it's on you.

5           As far as the material itself, I'll  
6 allow for some comments as to the material.

7           On consideration -- this is a just  
8 as a citizen responding to these issues.  
9 One of the issues is Ranked-Choice Voting.  
10 I think the Ranked-Choice Voting has a much  
11 more serious problem than you can address  
12 with just making some markups on  
13 this material.

14           The problem that I see with  
15 Ranked-Choice Voting is that what we've done  
16 and is demonstrated in Santa Fe, is we've  
17 allowed the person with the biggest money  
18 to buy the election.

19           And the way it works with  
20 Ranked-Choice Voting is they can flood the  
21 market with ads and mailers, and they can  
22 make sure that they get a good representation  
23 on the off-first choice. And that is what  
24 happened with the mayor. You can buy a lot  
25 of access, and that is particularly bad with

1 Ranked-Choice Voting.

2           So, what I'm going to suggest is,  
3 if we're going to continue to go along with  
4 Ranked-Choice Voting, which I think is very  
5 questionable, is some accommodation must  
6 be made for the fact that people can come  
7 in with a lot of money, that isn't publicly  
8 financed, and buy the election because  
9 Ranked-Choice Voting made that worse.

10           So, what I'm going to suggest  
11 is that, if people do that, and it may  
12 well happen again, our laws don't prevent  
13 it, is something on the ballot to indicate  
14 to the people what is going on. For example,  
15 you might, on the ballot, you might identify  
16 who took public financing and who didn't.

17           Because, if you don't take public  
18 financing, then what are you trying to do?

19           The answer is, you are probably  
20 trying to buy the election. And it worked,  
21 and he did it.

22           Is this an ongoing pattern that  
23 we want to encourage?

24           I suggest not.

25           And the other thing that we

1 could do, I'm not sure that we could legally  
2 do it today, is we could insist that all  
3 candidates who participate in a Ranked-Choice  
4 Vote, we could insist that all those  
5 candidates sign up for public financing as  
6 a matter of participating in Ranked-Choice  
7 Voting. Now, you've got a level playing  
8 field.

9 If you don't do either one of  
10 those, what we're signing up for here is just  
11 more people buying more elections.

12 The other comments I would make  
13 would be on the comments. The other material  
14 you are looking at is the fact that, reducing  
15 comments, how do you reduce comments?

16 Well, so we have these ballot  
17 questions that we put. I've long noticed, on  
18 the ballot questions in New Mexico, that we  
19 have too many, and they are too annoying.  
20 I come from Minnesota. We don't do that stuff  
21 up there, at least not like we do down  
22 here.

23 My feeling there is that what  
24 we have going on is the ruling party, which  
25 in this state is Democrats, can pretty much

1 put on those questions whatever they pretty  
2 much want. There is nobody going to stop  
3 them.

4 So, what you can put on those  
5 questions is questions that are convenient  
6 to put out before the public and then make  
7 the claim that the public has asked for  
8 these things. So, you put out some questions,  
9 you phrase them however you want to, you  
10 get a public response, the response that  
11 you want, then you use the public response  
12 that you wanted to support what you wanted  
13 to do. That is a very dishonest, inefficient  
14 way of running a government.

15 So, what I suggest is, first, when  
16 we put ballot questions, that they have -- if  
17 we're going to continue to do that, we need  
18 to do a real, impartial, balanced agreement  
19 on the content, for example, having the  
20 Republicans have to agree to the content of  
21 the neutral question that we're going to  
22 put on the ballot. Right now, I don't think  
23 there is any such obligation. You can put  
24 whatever you want to. If the Republicans  
25 had a voice, now maybe you would get a

1 balanced, neutral question.

2 Now, what you're proposing  
3 today is just to have a balanced, neutral  
4 reduction of a question, which presumably  
5 was itself balanced.

6 Now, that question probably  
7 wasn't balanced and, if you start reducing  
8 that question, now you can make fortunate  
9 reductions which further your purposes.  
10 That is another very convenient way of  
11 gaming the structure.

12 I mean, this whole thing just  
13 looks like piling insult upon injury. If  
14 you are going to do this, if you are going to  
15 put ballot questions, let the Republicans  
16 have a voice into it so you might agree on  
17 what is balanced and neutral, and the same  
18 thing when you're reducing the questions.

19 Otherwise, you've just got  
20 Democrats using questions and reduced  
21 questions to manipulate the public, and  
22 I think that is what is going on here.

23 So, I oppose what you're doing  
24 because the language in there doesn't address  
25 any of the issues that I just brought to

1 you, and they are serious issues, and  
2 they compromise our democracy.

3 So, with that, I'll take questions  
4 if there are any.

5 DEPUTY SECRETARY OF STATE PINO:

6 Thank you, Mr. Micheles.

7 Does anyone in the audience have  
8 any clarifying questions for Mr. Micheles?

9 Ma'am would you please stand and  
10 state your name and your organization.

11 MS. ARNOLD-JONES: Sure. Janice  
12 Arnold-Jones. I'm representing myself.

13 And I just wanted to confirm that I  
14 experienced the same download issues that  
15 Mr. Micheles described.

16 MR. MICHELES: Download issues?

17 MS. ARNOLD-JONES: Yes. And I've  
18 been at this since Thursday, and I could  
19 not download it, and I know what I'm doing,  
20 too.

21 DEPUTY SECRETARY OF STATE PINO:

22 We've just been informed they were just recently  
23 successfully downloaded. There was a pop-up  
24 blocker that may have prevented certain  
25 browsers, you know, individuals from downloading

1 those comments.

2 MR. MICHELES: Well, I do run a  
3 pop-up blocker.

4 DEPUTY SECRETARY OF STATE PINO: So,  
5 that may be an issue.

6 MR. MICHELES: I got no pop-up flags.

7 DEPUTY SECRETARY OF STATE PINO: But  
8 what I will add is that we have two more hearings  
9 that we're conducting statewide on these two  
10 rules, and those will be held tomorrow in  
11 Albuquerque and in Las Cruces. And we are  
12 happy to make any of the comments that have  
13 been submitted in writing to our office  
14 available. If anybody is having any kind of  
15 computer issues, we will make those available, and  
16 you will have additional time, again, to attend  
17 those hearings and offer any public comments  
18 you have, but definitely to view the written  
19 comments that have been issued.

20 MR. MICHELES: A clarification on  
21 that.

22 Part of my concern was, if you had  
23 met your requirements for the Sunshine Portal,  
24 you could have put the comments on the portal  
25 and you wouldn't have had these problems.



1 You chose not to put them on the portal.  
2 You put them on a website, and the website  
3 you put them on created the problems,  
4 and you didn't check to see if it had the  
5 problems. If you would have just put them  
6 on the portal, we wouldn't have had the  
7 problem.

8 DEPUTY SECRETARY OF STATE PINO: And,  
9 Mr. Micheles, I will reiterate what I did at  
10 the beginning of the hearing when I  
11 went over the format for this hearing.  
12 The Secretary of State has complied with  
13 all the requirements of the State Rules Act  
14 and with 1.24.25.13 NMAC.

15 And, again, if you are having any  
16 downloading or computer issues, we are a  
17 happy to work with you and make those  
18 available.

19 MR. MICHELES: My comment on  
20 the hearing format is, my only suggestion  
21 is it should have been available for the  
22 public at this hearing.

23 DEPUTY SECRETARY OF STATE PINO:  
24 We have met all legal requirements. And  
25 thank you for your comments, Mr. Micheles.

1           So, I will now go over the  
2 procedures moving forward.

3           Has everyone present signed  
4 the attendance sheet, along with their  
5 mailing address?

6           At this time, the attendance  
7 sheet shall be marked as an exhibit and  
8 entered into the record, and that will  
9 be all of the attendance sheets.

10           MS. ARNOLD-JONES: I did not  
11 sign in. I didn't see one.

12           DEPUTY SECRETARY OF STATE PINO:  
13 If you can come forward and sign in, we  
14 will make sure that you have the  
15 opportunity to do that before it is entered  
16 in as an exhibit.

17           Secretary of State, do we have  
18 any additional exhibits to be offered?

19           DEPUTY ELECTIONS DIRECTOR LANGE:  
20 We do have one. That is the attendance  
21 sheet that will be marked as Exhibit 12 for  
22 today's hearing.

23           DEPUTY SECRETARY OF STATE PINO:  
24 So, we have all the attendance sheets marked  
25 as a composite Exhibit 12, and we will

1 enter those into the record.

2 This hearing is now closed and  
3 no further oral testimony will be heard.  
4 The data, argument and testimony submitted  
5 during this hearing will be duly considered  
6 by the Secretary of State.

7 It is important to note that  
8 there are two more public comment hearings  
9 on these proposed rules, as I mentioned.

10 Upon the completion of all rule  
11 hearings, all exhibits from these public  
12 comment hearings will be incorporated  
13 into the final rulemaking record in  
14 accordance with the State Rules Act.

15 Any rules adopted by the  
16 Secretary of State will be filed at the  
17 State Records Center and Archives in  
18 accordance with the State Rules Act and  
19 New Mexico Register publication  
20 deadlines.

21 Any rules or amendments not  
22 adopted may be postponed for further  
23 discussion at a definite time in the  
24 future or may be postponed indefinitely.

25 We would like to thank the

1 members of the public present for their  
2 participation and attendance today.

3 Let the record reflect that  
4 this hearing was adjourned at 10:11 a.m.,  
5 on July 29th, 2019.

6 And, at this time, our Secretary  
7 of State would like to address everyone  
8 present.

9 SECRETARY OF STATE TOULOUSE OLIVER:  
10 Thank you again to all of those who came  
11 here today.

12 If you do want us to e-mail you  
13 those files because you are having technical  
14 difficulties downloading the comment files,  
15 we can work with you right after the fact,  
16 get an e-mail address, and we can e-mail you  
17 those files today.

18 I did want to reiterate --

19 And thank you to our Deputy  
20 Secretary of State and staff for conducting  
21 this hearing today.

22 I want to reiterate that we will  
23 have two more public hearings on these matters,  
24 one tomorrow, in Albuquerque, one on Wednesday,  
25 in Las Cruces. So, there is more opportunity

1 to offer public comment through this process.

2 And I think that is all I had to add.

3 Thank you very

4 much, all of you, for being here today.

5 (The hearing concluded at 10:13 a.m.)

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REPORTER'S CERTIFICATE

I, ROBIN E. JOHNSON, RPR, NM CCR, CA CSR,  
Certified Shorthand Reporter, certify:

That the foregoing proceedings were  
taken before me at the time and place therein  
set forth;

That the questions propounded and  
all objections and statements made at the  
time of the hearing were recorded stenographically  
by me and were thereafter transcribed;

That the foregoing is a true and  
correct transcript of my shorthand notes so  
taken.

I further certify that I am not a  
relative or employee of any of the parties, nor  
financially interested in the action.

I declare under penalty of perjury  
under the laws of New Mexico that the foregoing  
is true and correct, dated this  
10th day of August, 2019.

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ROBIN E. JOHNSON, RPR, CA CSR  
New Mexico CCR No. 105