

NEW MEXICO SECRETARY OF STATE
NOTICE OF PROPOSED RULEMAKING HEARING
TUESDAY, FEBRUARY 8, 2022, 9:00 A.M.

PERA BUILDING
33 PLAZA LA PRENSA
SANTA FE, NEW MEXICO 87501

BEFORE: DYLAN K. LANGE, HEARING OFFICER

REPORTED BY: KIM KAY SHOLLENBARGER, RPR
PAUL BACA PROFESSIONAL COURT REPORTING
500 4th Street, Northwest, Suite 105
Albuquerque, New Mexico 87102

1 HEARING OFFICER LANGE: The hearing will now come to
2 order. Today is February 8, 2022, the time is nine o'clock
3 and we are assembled at the PERA Building located at 33 Plaza
4 La Prensa, Santa Fe, New Mexico.

5 I am Dylan Lange, General Counsel for the Secretary
6 of State. I will be acting as the Hearing Officer for this
7 Public Comment Rule Hearing.

8 The purpose of this hearing is for the Office of the
9 Secretary of State to receive public comment, views,
10 argument, testimony and data on the proposed amendment to the
11 Campaign Finance Rule, codified in Part 1.10.13 NMAC.

12 The hearing is being conducted pursuant to and in
13 accordance with NMSA 1978, Sections 1-2-1 and 1-19-26.2 of
14 the Election Code, which authorizes the SOS to adopt and
15 promulgate rules and regulations to implement and provide
16 uniform effective procedures to implement the provisions of
17 the Campaign Reporting Act. In addition, this hearing
18 procedure will comply with the State Rules Act and the
19 default procedural rulemaking found at Part 1.24.25 NMAC.

20 Public notice of this hearing was provided to the
21 public and published in the New Mexico Register on December
22 28th, 2021. Copies of the proposed rules have been available
23 at the SOS office and posted on its website since notice was
24 published. Copies of the proposed rules were also available
25 to the public attending the hearing, at the table located by

1 the back door. May I remind everyone to sign the attendance
2 sheet that will later be entered as an exhibit.

3 Let the record show that staff from the Secretary of
4 State's Office is present, joined here by Deputy Secretary of
5 State, Sharon Pino; State Elections Director, Mandy Vigil;
6 Director of Legislative and Executive Affairs, Kari Fresquez.

7 This is a formal proceeding and a court reporter has
8 been designated to transcribe the proceeding. The transcript
9 from this hearing will become part of the rule hearing
10 record. Therefore, persons recognized to testify and offer
11 comments are asked to identify yourself for the record by
12 name and relevant affiliation each time you speak. We will
13 check before you speak that the court reporter can hear you,
14 as she is transcribing this hearing via Zoom.

15 First, I'll ask the Secretary of State staff to
16 present exhibits. I, as Hearing Officer, will rule on
17 admissibility. The exhibits submitted into evidence are
18 available for review by members of the public. After staff
19 offers exhibits and their admission has been ruled upon, I
20 will open the hearing for public comment.

21 The SOS does not follow the Rules of Evidence and
22 therefore the Hearing Officer may, in interests of
23 efficiency, exclude or limit comment or questions deemed
24 irrelevant, redundant or unduly repetitious. The decision as
25 to whether such exhibits, testimony and commentary or other

1 evidence is irrelevant, redundant or unduly repetitious shall
2 be made by the Hearing Officer.

3 The public hearing is now open. I will ask the
4 Secretary of State's Office to offer exhibits into the record
5 at this time.

6 DIRECTOR FRESQUEZ: Hearing Officer, I have the
7 following exhibits to enter into evidence:

8 Exhibit 1, the Notice of Rulemaking published in the
9 New Mexico Register.

10 Exhibit 2, the proposed amended rule to be codified
11 at Part 1.10.3.1 through .33 NMAC.

12 Exhibit 3, correspondence to the New Mexico
13 Legislative Council regarding the Notice of Rulemaking.

14 Exhibit 4, correspondence to the chairs of the
15 qualified political party regarding the Notice of Rulemaking.

16 Exhibit 5, the Secretary of State press release
17 regarding the Notice of Rulemaking.

18 Exhibit 6, written comment received on the proposed
19 rule prior to today's hearing.

20 HEARING OFFICER LANGE: Thank you. I have them and
21 I have now admitted Exhibits 1 through 6 into the record.

22 Any person now wishing to submit additional data,
23 views, argument or testimony shall do so after being
24 recognized by me, the Hearing Officer.

25 The proposed rule has been introduced in the record

1 and I will open floor to the audience to give testimony. Is
2 there members of the audience who would like to give oral
3 testimony today?

4 (pause)

5 HEARING OFFICER LANGE: Seeing none and having asked
6 for oral public comment today and receiving no request, we
7 will close the hearing. Everyone present has signed the
8 attendance sheet, along with their mailing address so we can
9 remain in contact with individuals that were present today.

10 At this time the attendant sheet shall be marked as
11 Exhibit 7 and entered into the record.

12 (pause)

13 HEARING OFFICER LANGE: The data, arguments and
14 testimony submitted during the Rule Hearing, both orally and
15 written before, will be duly considered by the Secretary of
16 State.

17 Upon completion of our review we will publish our
18 final rule in the New Mexico Register. Any rule adopted will
19 comply with the publication deadlines of the New Mexico
20 Register.

21 I would like to thank all members present today for
22 their participation and in the audience today.

23 Let the record reflect that the hearing was
24 adjourned at 9:09 on February 8th, 2022. Thank you.

25 (Hearing concluded at 9:09 a.m.)

REPORTER'S CERTIFICATE

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I, Kim Kay Shollenbarger, Registered Professional Reporter, do hereby certify that I reported the foregoing proceedings in stenographic shorthand via Zoom and that the foregoing pages are a transcript of those proceedings taken to the best of my ability.

I FURTHER CERTIFY that I am neither employed by nor related to any of the parties or attorneys in this case and that I have no interest in the final disposition of this case.
