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OFFICE OF THE  
NEW MEXICO SECRETARY OF STATE

PUBLIC COMMENT AND RULE HEARING

July 31, 2019  
1:20 PM  
845 N. Motel Boulevard  
Las Cruces, New Mexico 88007

BEFORE:

SHARON PINO, HEARING OFFICER  
MAGGIE TOULOUSE OLIVER, SECRETARY OF STATE  
DYLAN LANGE, DEPUTY DIRECTIONS DIRECTOR

REPORTED BY: Debra Ann Fietze, CCR #251  
RUSSIN REPORTING, LLC  
340 N. Water Street  
Las Cruces, New Mexico 88001

A P P E A R A N C E S

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1           SECRETARY TOULOUSE OLIVER: Again, welcome,  
2 everyone. Thank you for being here, either in person --  
3 and I'm really pleased to see many of you here today or  
4 remotely through webcast. And again, just so you know  
5 we're in the right place, we're here today for the third  
6 public hearing that we're holding throughout the state  
7 to gather public input on rules my office has drafted  
8 regarding runoff voting and the way the ballot questions  
9 will appear on the ballot.

10           Again, this rulemaking process is mandated  
11 by the passage of House Bill 407 last legislative  
12 session. There has been a public comment period, and  
13 that public comment period opened since we posted notice  
14 of these rules on June 25th.

15           I want to thank everybody for being here  
16 today and participating in the public process, as well  
17 as all the organizations and individuals that submitted  
18 feedback over the last month. The comments that you  
19 give today, either oral or written, will be included in  
20 the overall record of public comment for these rules.

21           Our hearing officer today is our Deputy  
22 Secretary of State Sharon Pino, to my right; and to her  
23 right we have our Deputy Election Director Dylan Lane,  
24 as part of this process.

25           And so lastly, but not least, and before I

1 hand it over to Sharon, this process we're about to  
2 engage in is very structured under state law in terms of  
3 how to promulgate administrative rules. So what you'll  
4 see when we start the process today, it's almost like a  
5 quasi-judicial process.

6 Our role here is to conduct a hearing that  
7 is expedient, but that also gives all of you ample time  
8 to offer your thoughts and concerns, but it's also very  
9 structured. So it's not like a traditional public  
10 forum, and it's not a place in which we can answer a lot  
11 of questions or do a lot of responding, but it is an  
12 opportunity for us to hear from you-all and to receive  
13 your feedback and input so that we can craft the best  
14 rules possible.

15 So with that, again, I will hand it over to  
16 our Deputy Secretary of State Sharon Pino. Thank you  
17 all very much.

18 HEARING OFFICER PINO: I will also stand,  
19 because I'm super short. Good afternoon. So this  
20 hearing will now come to order. Today's date is  
21 July 31st, 2019. The time is 1:20 PM, and we are  
22 assembled at the Doña Ana County Commission Chamber in  
23 Las Cruces, New Mexico.

24 I am Sharon Pino, Deputy Secretary of  
25 State. I will be acting as the hearing officer for this

1 public comment and rule hearing.

2           Again, as the Secretary of State indicated,  
3 the purpose of this hearing is for the Office of the  
4 New Mexico Secretary of State to receive public comment,  
5 views, argument, testimony and data on its proposed rule  
6 to be codified as parts 1.10.14 and 1.10.16 NMAC.

7           This hearing is being conducted pursuant to  
8 and in accordance with NMSA 1978, Sections 1-2-1, 1-16-7  
9 and 1-22-16 of the Election Code, which authorizes the  
10 Office to adopt and promulgate rules and regulations to  
11 implement and provide uniform, effective procedures for  
12 runoff elections and how state and local ballot  
13 questions are to appear on a ballot. In addition, this  
14 hearing procedure will comply with the State Rules Act.

15           Public notice of this hearing was provided  
16 to the public and published in the New Mexico Register  
17 on June 25th of 2019. Copies of the proposed rules have  
18 been available at the Secretary of State's office and  
19 posted on our website since the notice was published.  
20 Copies of the proposed rule are also available to the  
21 public attending this hearing on the table located near  
22 the door. Hopefully, you-all, again, got a copy of  
23 that.

24           This hearing is also being live-streamed on  
25 the Secretary of State's website, [www.sos.state.nm.us](http://www.sos.state.nm.us).

1 I ask that all members in attendance today  
2 please silence your cell phones and ask that any  
3 extended conversation please be held outside of the room  
4 just because, again, we do have a court reporter here,  
5 and we're trying to keep a record of the proceedings.

6 Now, may I remind everyone who is in  
7 attendance, please ensure that you have signed in on the  
8 signup sheet that will be later entered into the record  
9 as an exhibit of this hearing. Okay.

10 Let the record show that staff from the  
11 Secretary of State's Office is present. Again, you have  
12 all heard from our -- the Honorable Maggie Toulouse  
13 Oliver, our Secretary of State, and we also have our  
14 Deputy Elections Director, Dylan Lange, here.

15 This is a formal proceeding, and a court  
16 reporter has been designated to transcribe the  
17 proceedings. The transcript from this hearing will  
18 become part of the rule hearing record. Therefore,  
19 persons recognized to testify or offer comment are  
20 please asked to identify yourself for the record, and  
21 that is by name, any relevant affiliations.

22 Again, if you're here representing an  
23 organization or if you're just here as a citizen on your  
24 behalf, please state that for the record if you come up  
25 and choose to speak.

1           Also, please speak loudly and clearly so  
2 the reporter can pick up your comments.

3           So I'm going to go over now the format of  
4 the hearing and what that will be. You've heard a  
5 little bit about the State Rules Act, and so I'll inform  
6 you-all of what the procedures will be.

7           This hearing will be conducted in the  
8 following manner and in accordance with 1.24.25.13 NMAC.  
9 First, the Secretary of State will present exhibits. We  
10 already have 15 exhibits. Again, this is our third  
11 hearing. So we have 15 exhibits that have been entered  
12 into the record as part of these rules proceedings.

13           Prior to the start today, we were able to  
14 lay those all out on the table for anybody who wished to  
15 inspect those. And certainly, again, if anybody would  
16 like to inspect the records -- a lot of these are  
17 already available on the website, or have been available  
18 since we published notice of this, but we're happy to  
19 make those available after, if anybody in the audience  
20 would like to inspect those.

21           As the hearing officer, we have additional  
22 exhibits that are offered. I would rule on the  
23 admissibility of the exhibits offered for admission.

24           Exhibits admitted into evidence are  
25 available for review by members of the public. After

1 staff offers exhibits and their admission has been ruled  
2 upon, I will open the hearing for testimony and comments  
3 from the audience.

4 If you have indicated that you would like  
5 to testify, you should have signed your name on the  
6 corresponding attendance sheet. Again, we had a sign-in  
7 sheet for each section of both rules.

8 We will proceed in numerical sequence  
9 through each part of the proposed rule, starting with  
10 the top two runoff and ranked-choice voting rule,  
11 followed by the ballot question rule.

12 I will call individuals to testify in the  
13 order they have signed up. After public comment is  
14 given on a specific section of the rule, I will call for  
15 general public comments. If you would like to give  
16 general comments about either of the proposed rules,  
17 please save your comment under the general comment  
18 period.

19 Secretary of State's staff will introduce  
20 the parts of the rule in which we will receive  
21 testimony. After the part of the rule is introduced, I  
22 will call for testimony. Speakers will address only the  
23 one part of the rule at a time. Please limit your  
24 testimony to only the part of the rule we are receiving  
25 testimony on. However, you may refer to other parts of



1 the rule that reasonably relate to the part of the rule  
2 being discussed or which relate to your comments. I  
3 further ask that people do not apply or voice opposition  
4 after hearing a particular comment.

5 The Secretary of State does not follow the  
6 Rules of Evidence; and, therefore, the hearing officer  
7 may, in the interest of efficiency, exclude or limit  
8 comment or questions deemed irrelevant, redundant or  
9 unduly repetitious.

10 The decision as to whether such exhibits,  
11 testimony, commentary or other evidence is irrelevant,  
12 redundant or unduly repetitious shall be made by me, the  
13 hearing officer.

14 May I have a show of hands on the number of  
15 people who intend to testify or comment on the proposed  
16 rules today?

17 So we have two? Okay. And certainly,  
18 again, if you change your mind throughout the  
19 proceedings, we'll recognize you at that point. We just  
20 need to make sure that you signed the signup sheet for  
21 purposes of the record before we conclude today. Okay.

22 After a person has testified or offered  
23 comment, any members of the audience wishing to question  
24 that person may do so after being recognized by me.  
25 Each person recognized to speak shall identify him or

1 herself for the record. Questions will be limited to  
2 only clarifying questions to the person who has offered  
3 their testimony or public comment.

4 In asking clarifying questions, please be  
5 aware that this hearing is scheduled for three hours,  
6 and we need to be respectful of everybody's time. Yeah,  
7 not an issue. We don't have a ton of people here.

8 This public hearing is intended to provide  
9 the public with an opportunity to voice opinions on the  
10 proposed rules.

11 At this time I will ask the Secretary of  
12 State's Office, Mr. Lange, will go through and identify  
13 the exhibits that have already been offered in as part  
14 of the record and when those were made publicly  
15 available?

16 MR. LANGE: Madam Hearing Officer, I will.  
17 As we stated, we did allow for inspection of all the  
18 exhibits before the hearing. So far there's been 15  
19 exhibits entered over two days of public hearing.  
20 Exhibit 1 is the notice of rulemaking published in the  
21 New Mexico Register. That was available on our website  
22 June 25th, also published on June 25th.

23 Exhibit 2 is an article regarding the  
24 Notice of Rulemaking published in the Albuquerque  
25 Journal on June 25th.

1 Exhibit 3 is an article regarding a Notice  
2 of Rulemaking published in the Santa Fe New Mexican on  
3 June 25th.

4 Exhibit 4 is the Notice of Cancellation of  
5 Public Comment Hearing published in the Register on  
6 July 16th.

7 Exhibit 5 is a Notice of Proposed  
8 Rulemaking change of time and location published in the  
9 New Mexico Register on July 16th.

10 Exhibit 6 is the draft proposed rule  
11 regarding rank-choice voting in top two runoff  
12 elections, available on our website June 25th.

13 Exhibit 7 is the proposed rule regarding  
14 ballot questions available on our website June 25th.

15 Exhibit 8 is electronic correspondence  
16 regarding the posting of the Notice of Rulemaking on the  
17 New Mexico Sunshine Portal of June 17th, 2019.

18 Exhibit 9 is an electronic correspondence  
19 sent regarding the Notice of Rulemaking to interested  
20 parties, dated June 25th 2019.

21 Exhibit 10 is correspondence to the  
22 New Mexico Legislative Council Service regarding the  
23 Notice of Rulemaking on June 24th, 2019.

24 Exhibit 11 is all written comment that our  
25 office received during the written comment period,

1 starting on June 25th, 2019.

2 Exhibit 12 is the attendance sheet from our  
3 first public comment rule hearing in Santa Fe.

4 Exhibit 13 is public comment received at  
5 our Albuquerque public comment yesterday.

6 Exhibit 14 is further written comments  
7 submitted from our Albuquerque hearing.

8 And Exhibit 15 is the attendance sheet from  
9 our Albuquerque public comment rule hearing.

10 HEARING OFFICER PINO: Thank you.

11 Any person wishing to submit additional  
12 data views, argument or testimony shall do so after  
13 being recognized by me. So that means, again, if you  
14 come up and give public comment, you would like to  
15 submit something written that would be made part of the  
16 record, you can do so at that time. We will make sure  
17 that it is marked as an exhibit, and then I will rule on  
18 the admissibility of that exhibit.

19 As Mr. Lange mentioned, the proposed rules  
20 have been introduced into the record. I will now open  
21 the floor to the audience for testimony and comments on  
22 each part of the rule. The audience may again ask  
23 clarifying questions to each person providing his or her  
24 testimony or commentary.

25 First, before we get started going through

1 each part, I would like to ask for a show of hands of  
2 the people in attendance who are in support of these  
3 rules. So we have four, five, six, seven, eight, nine.  
4 Okay.

5 Now a show of hands for the people in  
6 attendance who are opposed to these rules.

7 We have one, two. Okay, thank you for  
8 that.

9 Again, any comment or feedback that our  
10 office receives helps us through this process. Okay.

11 Okay. So we are going to start with public  
12 comment for the top two runoff elections and the  
13 rank-choice voting, 1/10/14. And the first sections  
14 that we will accept public comment on are Sections 1  
15 through 6. Section 1 is the Issuing Agency; Section 2,  
16 the Scope; Section 3, Statutory Authority, Section 4,  
17 Duration; Section 5, Effective Date; and, Section 6,  
18 Objective.

19 Now, on our signup sheet we did not have  
20 anybody sign up to give public comment on Sections 1  
21 through 6. So I would ask: Is there anyone in  
22 attendance who either came in late or didn't have the  
23 opportunity or thought they didn't want to speak on  
24 these sections; but, after reading through, they might  
25 have some public comment to offer? Is there anyone who

1 would like to come up and offer public comment on  
2 Sections 1 through 6?

3 Okay. There being none, we will move on to  
4 the next section, and that is 1.10.14, Section 7,  
5 Definitions. We do not have anyone signed up on the  
6 attendance sheet to give public comment on Section 7,  
7 Definitions. And the same thing, is there anyone in  
8 attendance who would like to come up and offer any  
9 public comment on this section? Sir?

10 And I'm just going to ask that you sign the  
11 attendance sheet for that section so we have that as  
12 part of the record.

13 MR. PEARCE: Yes.

14 HEARING OFFICER PINO: Thank you so much.

15 MR. PEARCE: My name is Rusty Pearce. I am  
16 a citizen of Doña Ana County and of Las Cruces. And the  
17 word "Overvote," 1.10.14.7, meaning a voter has ranked  
18 more than one candidate at the same ranking, this is  
19 something that's very concerning to me as far as  
20 educating the people.

21 I have talked to a lot of people who are  
22 concerned and are confused about rank-choice voting. So  
23 what they plan on doing when they go in is they've got  
24 their top candidate, and they decided to vote for that  
25 candidate, Number 1, Number 2, Number 3, in every way

1 because they feel like that's going to get their vote  
2 for that candidate. They're confused. And if there's a  
3 bubble for that candidate, they're going to do it no  
4 matter what.

5 So I'm a little concerned about education,  
6 as far as that goes, so I'd like to see specific  
7 attention to the overvote versus some of the other  
8 votes.

9 HEARING OFFICER PINO: Thank you.  
10 Ma'am, if would like to come forward?  
11 Please state your name and identify if  
12 you're representing any organization or yourself.

13 MS. DORAZIO: Thank you.

14 My name is Bernadette Dorazio. I'm a  
15 citizen of Doña Ana County. What I was wondering is on  
16 F, under Definitions, the last word, or two words, says,  
17 "no vote," and I was wondering if, as silly as it  
18 sounds, if we could have a definition for "no vote"  
19 added? Because if we go down M, "Undervote means a  
20 voter did not rank any candidates for an office."

21 Does undervote and no vote mean the same  
22 thing? So if it does, then maybe we need to specify  
23 that or just have a definition for "no vote," repeating  
24 undervote.

25 HEARING OFFICER PINO: Thank you for that

1 comment.

2 MS. DORAZIO: Okay. Thank you.

3 HEARING OFFICER PINO: If we could also  
4 have you sign up on the sheet for Section 7? Thank you  
5 so much.

6 Anybody else for Section 7?

7 Okay. We're going to proceed on to 1.1.14,  
8 Section 8, Ballot. I do not have anyone signed up on  
9 the attendance sheet to provide public comment for  
10 Section 8, Ballot.

11 Is there anyone in attendance who would  
12 like to -- if you could come forward, give some public  
13 comment on this section?

14 For purposes of the record, please identify  
15 yourself.

16 MR. ELLINS: Yes, my name is Lynn Ellins.  
17 I'm the former Doña Ana County Clerk, and currently  
18 Doña Ana County Commissioner.

19 I have a question about ballot design.  
20 With the paper ballots, you fill in the circle, and the  
21 machine can generally read it, unless you need to pull  
22 it and get some interpretation.

23 Are people going to be choosing by numbers?  
24 Are they going to have to put a number in the ballot, in  
25 the circle? How is the machine going to read the ballot



1 as a matter of ballot design?

2 HEARING OFFICER PINO: And again, I know  
3 that the Secretary went through we're here really to  
4 accept public comment, not to provide answers. But I  
5 think this might be an easy one where we can ask  
6 Mr. Lange to please provide a little bit of information  
7 on that.

8 Thank you for that.

9 MR. LANGE: Yeah, we're still deciding the  
10 ballot design, but it would just be a bubble. It would  
11 not be numbers. Filling in a bubble, first choice,  
12 second choice, third choice, fourth choice, fifth  
13 choice.

14 MR. ELLINS: Well, let's assume there were  
15 four candidates. So each candidate can have four  
16 bubbles to choose from?

17 MR. LANGE: Yes.

18 MR. ELLINS: Okay. Thank you.

19 HEARING OFFICER PINO: Thank you so much  
20 for your comment. If we could have you sign in on the  
21 signup sheet for that section?

22 Okay. We have another person who would  
23 like to speak Section 8, Ballot?

24 MR. GALLUS: Secretary of State, thanks for  
25 doing this. It's real important that we get some input,

1 and it's nice to know you can care that much to come.

2 My name is Dave Gallus. I'm representing  
3 myself. And I guess this is a good time -- it's really  
4 confusing to a lot of people I talk to about what the  
5 ballot is going to look like.

6 Can we get a sample ballot out so we can  
7 practice in groups to let them know what they're going  
8 to be doing and give them some more notice. Because I  
9 think a lot of people are going to throw their hands up  
10 and say, "I don't understand. I'm not going to vote,"  
11 and that's certainly not what we want.

12 MS. TOULOUSE OLIVER: Thank you for your  
13 question, Mr. Gallus. The County Clerk's Office will  
14 have sample ballots available. We have to finalize the  
15 ballot coming up in August, so it's actually right  
16 around the corner. One those ballots are finalized,  
17 they will be able to make sample ballots available  
18 online, etc., and those are absolutely for the use of  
19 public education.

20 MR. GALLUS: But even before that -- I  
21 mean, before we even know who's going to run for office,  
22 if we can get something that would just give an overview  
23 of exactly what it's going to look like. I don't know  
24 if that's possible for other states or counties that did  
25 that, so if we could get that?

1 MS. TOULOUSE OLIVER: There are definitely  
2 some public education materials out there, and we'll  
3 make sure -- I know the County Clerk's Office -- she's  
4 not in. I think you might already have some available,  
5 so we'll make that connection before you leave today.

6 MR. GALLUS: Thank you.

7 MS. TOULOUSE OLIVER: Thank you.

8 HEARING OFFICER PINO: And again, if we  
9 could just have you sign in on the sheet. We're trying  
10 to keep a record. Thank you so much for your patience.  
11 Thank you.

12 Ma'am?

13 MS. MONTOYA ORTEGA: Good afternoon. Thank  
14 you. My name is Gina -- Eugenia Montoya Ortega. I'm a  
15 citizen, as well as a candidate for the election that is  
16 coming up.

17 I was concerned -- especially something so  
18 new, and we have imposed this on people without  
19 educating them. I think it's something they should have  
20 done at least a year ahead.

21 In reference to what the gentleman has  
22 asked about sample ballots, we did have coffee with the  
23 Clerk last week, and we did see some sample ballots. Of  
24 course, it's kind of hard -- until you actually do kind  
25 of see that, especially -- the City has some materials

1 that I would like to ask be submitted as evidence  
2 because this is something that they were trying to use  
3 to educate us. However, I cannot associate myself as a  
4 burrito, a relleno or an enchilada. But the material  
5 that Amanda and Lindsey did bring did make it a little  
6 bit better.

7 So, yes, I would ask that, you know, this  
8 is what we are educating people on, but yet it's still  
9 not clear. People are concerned, as Rusty Pearce asked,  
10 you know, say I want my candidate -- I really want this  
11 candidate. I don't want the other ones, so I'm going to  
12 write 1, 2 and 3. And some of you who sign this is  
13 going to create a spoiled ballot. They don't understand  
14 how that will create a spoiled ballot. Because I can  
15 understand you rank them all first, then that's  
16 confusion. But if you tell me, 1, 2 and 3, I know who  
17 you want. Thank you.

18 HEARING OFFICER PINO: Thank you. And I  
19 would ask that the Secretary of State's Office mark that  
20 as Exhibit 16.

21 MS. MONTOYA ORTEGA: There's three pieces.  
22 Is that --

23 HEARING OFFICER PINO: We'll just do a  
24 composite Exhibit 16. So if you can take those over to  
25 the table, we'll have those marked. I will accept those

1 as Exhibit -- Composite Exhibit 16 into the record.

2 Sir, you would like to speak on Section 8,  
3 Ballot?

4 MR. WENDLER: Yes. That's what we're on  
5 right now, correct?

6 HEARING OFFICER PINO: Yes, that's correct.  
7 If you could identify yourself and --

8 MR. WENDLER: The name is Charles Wendler.  
9 I'm a county resident here, okay? Thank you for coming  
10 down here. Unfortunately there aren't more people here.  
11 But I think some of this has already been expressed, and  
12 I'll continue to expand on some of that already, the  
13 time frames. I think just a little bit ago a question  
14 was asked about when this would be able available, some  
15 of the sample ballots, etc., etc.

16 We know that August 27th is the date for  
17 people to file for candidacy, correct? So I would  
18 assume you're going to have to do something at that  
19 point in time.

20 Now, then, what is the amount of time that  
21 we can get from you when we can expect these sample  
22 ballots with everything on it that's going to be correct  
23 and accurate. I think that's probably going to be --  
24 and I don't mean to put any words in your mouth, but  
25 that's going to be somewhere probably in the first part

1 of September, correct?

2 Early voting will start the first part of  
3 October, give or take. So that means we get  
4 approximately one month in order to get out all this  
5 education to everybody. That being said, a new way of  
6 voting, rank-choice, so on and so on.

7 As a former educator, I'm concerned about  
8 that lead time, and be sufficient to be able to do a  
9 proper job of educating people, which is challenging in  
10 itself. Okay? So I'm really concerned, only a month to  
11 get education out to people on something as critical as  
12 voting for city mayor, city council, rank-choice. I  
13 mean, that doesn't makes a whole lot of sense to me.

14 I'm not trying to be critical or anything;  
15 I'm just evaluating, like we all are in all this  
16 rulemaking and everything. I'm saying, wow, so -- I'm  
17 just -- that's a tall order, and I think it's really a  
18 lot more than to expect from all of us to engage in.

19 So with all due respect, what I'm saying is  
20 it's just really -- I think someone just previously said  
21 something about there should have more lead time, a year  
22 or so. Something so critical for the people who are  
23 going to represent us, one month? Folks, common sense.

24 Thank you very much. I appreciate it.

25 HEARING OFFICER PINO: Thank you for your

1 feedback. And if we can ask that you sign in on the  
2 signup sheet.

3 And I would just like to add again, as the  
4 Secretary of State mentioned at the beginning of our  
5 hearing, this rulemaking was mandated by, again, the  
6 legislature. A bill -- House Bill 407 passed during the  
7 last legislative session.

8 Certainly, our office will do everything we  
9 possibly can to work with the County Clerk in education  
10 and getting the voters the information that they need.

11 Do we have one more person who would like  
12 to speak on Section 8, Ballot? And again, I would like  
13 to remind everyone, we will have a general comment  
14 period at the end that will be, again, to provide  
15 comment on all sections.

16 But just for purposes of us and this  
17 rulemaking process, it really helps us to go section by  
18 section. That way we make sure if there is public  
19 feedback directly on a section that's going to wait on,  
20 again, does our office need to make changes to that  
21 section? You know, how can we clarify things? Do we  
22 take that into context? We would ask that general  
23 comments be saved for the end.

24 We are on Section 8. If you could  
25 introduce yourself?

1 MS. BACHMAN: I'm Lindsey Bachman. I'm  
2 Chief Deputy Clerk for Doña Ana County. Again, a lot of  
3 gratitude has been expressed for you guys coming down to  
4 have this hearing in an area where rank-choice voting  
5 will be implemented. It's really, really important.

6 So as part of our process internally, we've  
7 gathered some feedback from staff that have generally --  
8 generally have more experience with elections than the  
9 Clerk and myself, and two specific sections under 8 came  
10 up. The first was C. In C, it stipulates the sample  
11 ballots that would be illustrating how rank-choice  
12 voting would work.

13 Staff had some concerns that if you were to  
14 indicate a pattern on that sort of illustration, that it  
15 might do undue influence towards the voter about how to  
16 fill out their ballot. So I don't know if that means  
17 that additional language needs to be added to the rule  
18 or if that's just something to be thinking about as we  
19 move forward with the process towards the election. I  
20 just thought it was important to mention.

21 The second is in E, when it's discussing  
22 duplication. I believe in a previous meeting the clerks  
23 and others who were in the room talked about how it  
24 might be good to have some sort of accountability  
25 measure there, whether or not it's two representatives



1 from different parties to participate in the duplication  
2 process, or sign off on it, or however that works.

3 The second piece to that is if a ballot is  
4 physically damaged in a race that doesn't include  
5 rank-choice voting, do we issue a duplicate ballot. So  
6 is it only when RCD is on the ballot that the voter has  
7 that ability to get a second ballot, or is it only when  
8 there's -- yeah, so it was only one RCD.

9 HEARING OFFICER PINO: Great. Thank you  
10 for your comments. We appreciate that, and we will  
11 certainly take all of that information back with us. We  
12 appreciate your feedback.

13 And if you could make sure to sign in on  
14 that particular section, we would appreciate it. Thank  
15 you so much.

16 Sir, you wanted to speak to Section 8?

17 MR. PEARCE: Yes.

18 HEARING OFFICER PINO: If you could please  
19 identify yourself again for purposes of the record?

20 MR. PEARCE: Yes, ma'am. Thank you again  
21 for showing up. My name is Rusty Pearce, a citizen of  
22 Doña Ana County, and my question or concern here is  
23 about Section D of this section. It's in regards to the  
24 return. If a ballot is returned because somebody, for  
25 whatever reason, overvoted, undervoted, whatever it may

1 be, I'm concerned that they may not want to come back  
2 and fill out a second ballot again.

3           As far as education on that goes, I know  
4 you guys are planning on doing this -- it's the  
5 Secretary of State's Office -- but on the ballot, my  
6 concern is that we then vote for school board. Okay?  
7 So you vote for mayor on top; you vote for your city  
8 councilors. Those are all rank-choice voting. And then  
9 prior -- or just below that, you will have other  
10 elections that aren't using rank-choice voting.

11           I'm concerned if somebody finds a pattern  
12 and realizes there's a pattern there, rank-choice voting  
13 to begin with, and then they go to School Board, and  
14 they think, "Okay, should I rank-choice vote these  
15 people here?" I know there's not going to be a first,  
16 second and third, but if they start filling out multiple  
17 bubbles, I'm concerned with that.

18           So I would just like, when there is the  
19 separation between the rank-choice voting and then the  
20 other candidates, that there is very clear written, you  
21 know, data that tells people, "You're about to switch  
22 from rank-choice voting to a single vote.

23           I feel like the more returns we have, the  
24 less votes that will be. I come down here already to  
25 vote. Then if you get a return ballot, what's the

1 likelihood that you're going to stay again? Most  
2 people, like me, I think will. But I think there a few  
3 that might just say forget it and leave, and we don't  
4 want that to happen.

5 HEARING OFFICER PINO: Thank you for those  
6 comments. And if we -- again, I know I'm being  
7 repetitive, but we need to make sure, for purposes of  
8 the record, everybody's name gets on the sign-in sheet  
9 for each section.

10 Anybody else for Section 8, Ballot?

11 Okay. We're going to move on, then, to  
12 1.10.14, Section 9, Tabulation for Single Winner  
13 Election. I do not have anyone signed in on the signup  
14 sheet to give public comment on this section, but I  
15 would ask, generally, to the audience: Is there anyone  
16 who would like to come up and offer public comment on  
17 Section 9?

18 Okay. There being none, we will move on to  
19 the next section, 1.10.14, Section 10, Tabulation for  
20 Multiple Winner Election. I do not have anyone on the  
21 signup sheet to give public comment for Section 10, but  
22 I would ask the audience: Is anyone in the audience --  
23 would you like to provide comment for Section 10?

24 Okay. There being none, we will move on to  
25 the next section, 1.10.14, Section 11, Results for

1 Rank-Choice Voting. I do not have anyone signed up on  
2 the sign-in sheet to give public comment for Section 11.  
3 Is there anyone in the audience who would like to come  
4 up and provide some public comment for Section 11?

5 Okay. There being none, we will move on to  
6 Section 12, Top Two Runoff Election. I do not have  
7 anyone signed in on the signup sheet to offer public  
8 comment for Section 12. However, I would ask: Is there  
9 anyone in the audience who would like to offer public  
10 comment on Section 12?

11 Okay. There being none, we will move on to  
12 Section 13, Severability Clause. I do not have anyone  
13 on the signup sheet signed up to give comment on Section  
14 13. But I would ask if anybody in the audience would  
15 like to come up and give comment on Section 13,  
16 Severability Clause?

17 Okay. Sir, just please come up and  
18 identify yourself.

19 MR. WENDLER: Again, Charles Wendler,  
20 resident of the county. It says, "If any part of this  
21 rule is declared unconstitutional by a court." My  
22 question is: Has this not already been reviewed for  
23 that possibility? I mean, if it's found  
24 unconstitutional, I think that that would have already  
25 been done, verifying that it is constitutional. Okay?

1 I mean, otherwise, all of this is a lot of work for --  
2 it's moot. So that kind of just strikes me as rather  
3 odd.

4 I understand it's a disclaimer, but I'm  
5 saying, gee, you usually start in a venture kind of  
6 looking at all the parameters and all the ifs and ands,  
7 and so forth and so on. It just struck me as kind of  
8 funny. I just want to share that, okay.

9 HEARING OFFICER PINO: Thank you for that  
10 comment. And again, that is sort of a standard clause.  
11 We certainly vet these rules in the drafting. But if  
12 there is ever an event where that would happen, again,  
13 we have that provision. And there's also State statute  
14 that provides for that. Thank you for that comment.

15 Okay. So that is the -- we will move on to  
16 our next rule that we are scheduled for public comment  
17 on, which is the ballot question rule, 1.10.16. And we  
18 will start with Sections 1 through 6, Section 1 being  
19 Issuing Agency; Section 2, Scope; Section 3, Statutory  
20 Authority; Section 4, Duration; Section 5, Effective  
21 Date; and Section 6, Objective.

22 I do not have anyone scheduled on the  
23 sign-in sheet to offer public comment for 1.10.16,  
24 Sections 1 through 6, but would ask: Is there anyone in  
25 the audience who would like to offer public comment on

1 any of these sections?

2 Okay. There being none, we will move on to  
3 the next section. The next section, 1.10.16, Section 7,  
4 Definitions. I have one person signed up, Dave Gallus;  
5 is that right?

6 MR. GALLUS: Yes.

7 HEARING OFFICER PINO: If you would please  
8 come forward and offer public comment on Section 7.

9 MR. GALLUS: Okay. Again, Dave Gallus.  
10 Thank you for showing up. I read in Section B, and it  
11 says "clear and unambiguous language, the purpose of the  
12 ballot question without argument or prejudice."

13 So my point is that it's up to you folks to  
14 decide what that language is going to be when you  
15 condense it. I absolutely agree with you, that it has  
16 to be condensed because it's hard to read it. They  
17 don't even understand what they're reading, and they  
18 probably don't even vote.

19 But I would think, locally, if you have any  
20 influence over locally when we have a ballot question,  
21 if we would have representatives from every party that's  
22 represented in the election, Libertarian, Democrat and  
23 Republican, if we could have those people assigned by  
24 their party chairmanship, or whoever, to go over it and  
25 just make sure that everybody agrees with what wording

1 is so that -- you know, intentionally or  
2 unintentionally, it could be confusing to people,  
3 biased, maybe. So if everybody would have a say in it,  
4 then there wouldn't be any question. It was resolved,  
5 okay?

6 HEARING OFFICER PINO: Thank you for that  
7 feedback.

8 MR. GALLUS: Sure.

9 HEARING OFFICER PINO: Anyone else for  
10 Section 7, Definitions?

11 Okay. We will move on to the next section,  
12 1.10.16.8, Test of the Ballot Question. I do not have  
13 anyone on the signup sheet to offer public comment on  
14 Section 8. However, I would ask: Does anyone in the  
15 audience -- is there anyone who would like to offer  
16 public comment on Section 8?

17 Sir, please come forward and state your  
18 name.

19 MR. PEARCE: Thank you again. My name is  
20 Rusty Pearce, Doña Ana County citizen. My only concern  
21 here, and I've seen some debate in the past on various  
22 bills and ballot questions is the font size. It's  
23 continuously -- they try to get it smaller and smaller  
24 and smaller so that they can fit more and more on a  
25 single page. And while I understand that that saves us

1 money, there are those of us that have difficulty in  
2 reading that small of a print. So I'd ask that it at  
3 least be 8 point or higher. I mean, really, most of us  
4 can't read smaller than 8 point.

5 HEARING OFFICER PINO: Thank you so much.  
6 And if you could please sign the signup sheet right  
7 there? Thank you.

8 Anyone else for Section 8?

9 Okay. Then we'll move on to Section 9,  
10 Ballot Position. I do not have anyone listed on the  
11 signup sheet to offer public comment for Section 9. I  
12 would ask: Is anyone in the audience here who would  
13 like to offer comment for Section 9?

14 There being none, we will move on to the  
15 next section, Section 10, Severability Clause. Again, I  
16 do not have anyone listed to offer public comment.

17 Is there anyone in the audience who would  
18 like to offer public comment on Section 10?

19 Thank you.

20 MR. WENDLER: My name is Charles Wendler.  
21 I will echo my previous comment on this section here.  
22 And again, I just find it dumbfounding that people don't  
23 check the constitutionality of a question before you can  
24 get to this point. Thank you.

25 HEARING OFFICER PINO: Thank you for that



1 feedback.

2 We are going to get our complete signup  
3 sheet. Okay. Public comment on specific sections of  
4 the rules has now concluded.

5 I will now call for a general public  
6 comment on these rules. We have had a signup sheet up  
7 at the front, and those indicating that, yes, they would  
8 like to offer general comment, I will call you in order.  
9 I'll ask that you please come up to the podium. And,  
10 again, for purposes of the record, please identify  
11 yourselves and any organization that you represent.

12 So the first person I have listed on the  
13 signup sheet is Charles Wendler.

14 MR. WENDLER: I think I pretty well  
15 expressed my opinions as we went down through the  
16 different sections, okay? But thank you for the  
17 opportunity. I appreciate you coming down and listening  
18 to us. And I commend you again, if this has been  
19 approved by the legislature previously, then you're just  
20 simply carrying out their directives, we well know that,  
21 you know, ideally, a lot of people like lots of things.  
22 But when it comes to the implementation stage, that's a  
23 different ball game completely. So I commend you for  
24 carrying out what seems to be the status quo of our  
25 legislature. Okay?

1           So I guess the real thing is to make sure  
2 that we vote 2020 for the right people to do these  
3 things correctly to begin with, right? We can agree on  
4 all that? Thank you very much. I appreciate it.

5           HEARING OFFICER PINO: Thank you so much  
6 for making the time to be here. We appreciate it.

7           Okay. The next person that I have listed  
8 who would like to provide general public comment, Dave  
9 Gallus. If you would please come forward.

10          MR. GALLUS: Dave Gallus again. Thanks  
11 again. Is it possible to get the latest election  
12 handbook? It seems to be hard to get ahold of them.

13          MS. TOULOUSE OLIVER: We have a whole box  
14 here, yes.

15          MR. GALLUS: Great. Thank you very much  
16 for being here.

17          HEARING OFFICER PINO: Pretty well stocked.

18          Okay. The last person I have listed on the  
19 signup sheet for general comment is Rusty Pearce?

20          MR. PEARCE: Thank you. Again, my name is  
21 Rusty Pearce. There might be one more person on that  
22 list, toward the top, but I might have misspoke.

23          My concern -- I know this was forced on  
24 you-all. You're doing your best to education the  
25 people. I would just like to express my concern that,

1 again, I think we need more time. We needed more time  
2 for education. I notice that's one of the -- as a  
3 campaign manager, that's one of the biggest things I'm  
4 doing right now is educating people.

5 I also think it would be rather inspiring  
6 to have the people who voted on this actually here at  
7 the meeting today. We have a City Council who voted on  
8 this and not one of them are present. I think it would  
9 inspire voters to use this new election if they were  
10 actually here and promoting this themselves. It's  
11 unfortunate that many of our city government and our  
12 elected leaders aren't the ones that are here, asking  
13 the questions because I know that they have them.

14 So education, for one, thank you for doing  
15 that. I said where I want that education at in the  
16 previous section, so I won't do that again.

17 I am in favor of this rank-choice voting.  
18 But without the proper education, I think it's going to  
19 hurt us in the first, maybe even second time around  
20 until we get everybody used to it.

21 I just wish there had been more thought  
22 when the legislatures had wrote this to giving education  
23 time. We saw how this went in Santa Fe, and there were  
24 a number of candidates that were there that were  
25 disappointed in the education in Santa Fe. So that's,

1 again, why I'm trying to do it here. But it's been  
2 shown as a problem, so I just don't want it to be again.

3 CHAIRWOMAN PINO: Thank you for your  
4 comments, and thank you for being here.

5 And, actually, I have another person on our  
6 list, and I apologize for speaking over you. Gina  
7 Ortega? Thank you, Ms. Ortega. If you could just  
8 again --

9 MS. MONTOYA ORTEGA: Eugenia Montoya  
10 Ortega, Gina. I basically would just like to reiterate  
11 everything everybody said. Obviously, they are great  
12 concerns. And once again, my concern was that the  
13 elected officials had decided to vote on this, and none  
14 of them were here, present, to try to educate themselves  
15 further. I'm glad they understand this very, very  
16 clearly.

17 Also, education would have been great. I  
18 wish just -- like everything else, I guess somebody has  
19 to be the victim or the guinea pig for something to  
20 happen. I'm hoping that this turns out, and that's for  
21 all the people I know, that this statute hopefully gets  
22 a greater amount of people to come out, and I think  
23 that's great.

24 And last, but not least, as a person that  
25 is a candidate, and I am concerned of wasteful taxpayer

1 dollars, to know that this will help prevent a runoff,  
2 which we found out. Thanks to Amanda, that her -- and  
3 Lindsey, the copy that we had, but the last municipal  
4 election cost us, our taxpayers, \$80,000. What can we  
5 do with \$80,000? What could we do for our city with  
6 \$80,000?

7 So once again, thank you to Amanda,  
8 Lindsey, all of you, and everyone that actually came  
9 out, to give our input. It's very sad that we couldn't  
10 have more people here, because I'm sure there's a lot of  
11 other great questions that we need to hear, and  
12 hopefully make this the best election that we can have.  
13 Thank you.

14 HEARING OFFICER PINO: Ms. Ortega, thank  
15 you for taking time to be here.

16 Now, is anyone else in the audience who  
17 hasn't spoken who would like the opportunity to provide  
18 comment?

19 Sue, come on up. If you could just  
20 introduce yourself for the record, and any organization.

21 MS. BUTTERFIELD: Sue Butterfield, Chairman  
22 of the Republican Party, Doña Ana County. I just  
23 noticed that you said there was something in the paper  
24 from Santa Fe and Albuquerque back at one of the  
25 things -- I don't know what information it was, but we

1 in Doña Ana County, we don't get any information. We're  
2 left out. We would appreciate more information.

3 I appreciate you-all coming and everything,  
4 but I just want you to be aware we don't get the  
5 information that's in Albuquerque and Santa Fe, and we  
6 would appreciate the information. Thank you.

7 HEARING OFFICER PINO: I appreciate that  
8 comment. And just by way of background, again, we did  
9 follow the rules and issue all of the public notices.

10 In addition to that, our office issued a  
11 press release announcing that, and there were papers in  
12 Albuquerque and in Santa Fe who wrote articles. So  
13 those are the exhibits that we're referring to, and  
14 we're happy to allow you to inspect those. But we have  
15 also made all the notices and material available on the  
16 website as well. So I apologize if you felt like, you  
17 know, again, there could have been more information.

18 Okay. So, sir, you have some additional?

19 MR. WENDLER: Thank you for allowing me to  
20 speak again, Madam Hearing Officer --

21 HEARING OFFICER PINO: And just for  
22 purposes of the record, I apologize, but I'm going to  
23 have to ask you to introduce yourself.

24 MR. WENDLER: Charles Wendler. Anyway, I  
25 was sitting here, in summary and everything, I couldn't

1 help it, but some things just popped in my mind. You  
2 can't stop about education. We hear a lot about that,  
3 particularly since New Mexico is what, 50th out of 50 in  
4 education? We have a pending lawsuit that we're trying  
5 to satisfy about the inequities in our educational  
6 system, and here we're being presented with this change  
7 in our voting procedure with this time frame that I've  
8 already addressed.

9 I would just like to say if the leaders --  
10 and don't get me wrong. I'm not trying to be overly  
11 critical or anything, but I'm just saying modeling is  
12 the best teacher. If our leaders were to model this  
13 thing about education properly, giving people enough  
14 time to digest this, and all of us to implement it, it  
15 would go a long way in modeling a proper approach to  
16 education for our whole state population, folks. It  
17 gist befuddles me, again, you know, the hypocrisy that I  
18 see and the lack of true modeling, which is the best  
19 teacher of all. Thank you very much.

20 HEARING OFFICER PINO: Thank you.

21 Anyone else in the audience?

22 MS. LOPEZ-ASKIN: Good afternoon. My name  
23 is Amanda Lopez-Askin. I am very proud and happy to be  
24 the Doña Ana County Clerk. Thank you for having this at  
25 our beautiful facility. We appreciate you-all coming

1 from way up north.

2           So my general comments are thank you very  
3 much for being here. I'm going to echo something that  
4 our Madam Secretary said yesterday connected to her  
5 office, and I'm going to say that about our office. So  
6 Madam Secretary, in her hearing yesterday in Albuquerque  
7 said, "This is your Secretary of State's office," and so  
8 I want to definitely give that same message connected to  
9 the County Clerk's Office.

10           I'm very fortunate to work with many of  
11 these people that came out to talk with you. Chuck  
12 Wendler, specifically, is our new chair of our Election  
13 Advisory Council and is already very active. So he is  
14 going to be one of our first lines of education, because  
15 he's going to be talking about this out in the  
16 community. He's very connected to the groups, as is  
17 Mr. Gallus, as is Ms. Ortega.

18           I want to thank them for their comments,  
19 because they're definitely part of our office. I really  
20 very much believe that. If I may offer some information  
21 connected to rank-choice voting and some of the  
22 education. So we have been working closely with the  
23 City of Las Cruces since the spring, as well --  
24 specifically, our Communications Department, the public  
25 information officer, because we want the same thing. We



1 want voters to walk into a voting booth and know how to  
2 vote in terms of the process.

3           So in that -- well, in talking to media  
4 experts, not just in Las Cruces but in Santa Fe, who, as  
5 you know, they implemented this -- the previous local  
6 election. There were some things that we could learn  
7 from. And one of the things that we do know  
8 specifically is that general education, handed to media,  
9 about two months is the timeline in which media experts  
10 have said to us people start paying attention. Now, I  
11 agree it's never too soon, and there's no such thing as  
12 too much information.

13           So what I would hope is our concerned  
14 citizens and voters here work with us collaboratively.  
15 We have, I would say, five or six community meetings  
16 scheduled already, including the League of Women Voters  
17 Interagency Council, the Chamber of Commerce is doing a  
18 comprehensive series of meetings connected to offering  
19 voters information on rank-choice.

20           Additionally, if there's an organization  
21 you would like us to present to anywhere, we will be  
22 there. We'd be happy to offer that information and  
23 education. I'd also like to encourage anybody listening  
24 to head to rank-choice -- sorry,  
25 [lascrucesrankchoice.com](http://lascrucesrankchoice.com). They've created their own

1 website, and the media campaign is literally starting.  
2 We do have some sample -- we're calling them mock  
3 ballots, and they have some caricatures connected to how  
4 the ballot is, and those are over here on my left. So  
5 please take those.

6 Also, please note that everybody who  
7 receives a utility bill from the City of Las Cruces will  
8 be receiving that in our insert on the two months prior  
9 to. We're also going to be going to all of the  
10 retirement homes and people who don't get individual  
11 bills and offering those as well. They're going to be  
12 sending an electronic copy to those who get their bills  
13 electronically. And any kind of media, whether that's  
14 print, radio, television, we're open to doing whatever  
15 and wherever we need to do to get information to the  
16 City of Las Cruces. And just to underscore the idea  
17 that only those who live in the City of Las Cruces will  
18 receive that specific ballot, so we're really focusing  
19 on those.

20 I'm available at any given time, pretty  
21 much, because I'm here quite a bit answering everybody's  
22 questions. Again, thank you to those who participated  
23 today. They are literally part of our office, and we  
24 see them quite office. So I'm glad they gave their  
25 input today. Again, thank you-all.

1 HEARING OFFICER PINO: Thank you so much  
2 for your comments.

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

5 No? Okay. If we can please have you come  
6 forward and sign the attendance sheet, because we're  
7 about to offer that in as part of the record for all  
8 those that were in attendance.

9 That doesn't mean you have to speak. It  
10 just -- we have to keep a record of everyone in  
11 attendance, so thank you so much.

12 MR. ALSHOUSE: May I say something real  
13 quick, ma'am?

14 HEARING OFFICER PINO: Sure. Come forward.  
15 If you could please identify yourself and any  
16 organization you're representing, or yourself.

17 MR. ALSHOUSE: My name is Dennis Alshouse.  
18 I'm from the South Valley, and I've been around the  
19 North Valley. I'm all over the place here.

20 I wondered if there would be -- if the  
21 Secretary of State would have open comments available,  
22 the same as it is right now. We just barely got the  
23 information paper and everything.

24 HEARING OFFICER PINO: This is the general  
25 comment period. We haven't closed that. So if you

1 would like to provide some general comment on either of  
2 the rules scheduled for hearing today, we would accept  
3 that.

4 MR. ALSHOUSE: We just barely got the rules  
5 when we came in the door to make a general comment. I  
6 haven't had time to study the rules that have been  
7 brought up by the people here.

8 We wish to have time to study the rules and  
9 then make a public comment to the Secretary of State  
10 later on. Would that opportunity be available later on?

11 HEARING OFFICER PINO: The period for  
12 public comments does end by the end of the day. Is that  
13 correct, Dylan?

14 So until the end of the day, we would still  
15 accept your public comment, if you would like to submit  
16 that in writing to our office?

17 MS. TOULOUSE OLIVER: Sir, if I may. Let  
18 me clarify something. The way the State Administrative  
19 Rules Act sets it out is that when we publish the  
20 proposed rule, which was back in June, June 25th, then  
21 we make it available. We put it in the State Register  
22 and on the website. That opens up a one-month period  
23 for public comment, and the hearings are the last piece  
24 of that.

25 So while I really regret that you weren't

1 able to look at the rule until you came in today, you  
2 can send us comment any time on anything you want. We  
3 would gladly receive it. But for us to include it in  
4 the record, we would have to receive it by the end of  
5 today, if that makes sense.

6 MR. ALSHOUSE: Okay.

7 SECRETARY TOULOUSE OLIVER: Thank you.

8 HEARING OFFICER PINO: Thank you, sir.

9 And if we could, again, just have you sign  
10 the signup sheet.

11 And also, Dylan, I believe the one for  
12 general comment.

13 MR. LANGE: All right.

14 HEARING OFFICER PINO: Sir, if you could  
15 please identify yourself?

16 MR. SMITH: Sure. My name is Timothy  
17 Smith. I'm a resident. I just have a simple question  
18 for Madam Secretary.

19 Can you explain in more detail exactly what  
20 is meant in more detail by 1.10.14.9D?

21 HEARING OFFICER PINO: You know, again, I  
22 sincerely apologize. As the Secretary mentioned at the  
23 beginning of these proceedings, once we go on the formal  
24 record as part of the State Rules Act in our procedure  
25 that we're following -- we're really here to accept

1 public comment rather than it being an open forum where  
2 we're answering questions.

3 If you would like some additional  
4 information about that particular section, we're happy  
5 to -- I can get your contact information and --

6 MR. SMITH: Well, I'll just say that I  
7 think it's vague. Because I don't think it's clear  
8 enough to exactly what it means that they vote -- the  
9 now limited candidate -- the vote for now limited  
10 candidates can be transferred to the next ranking  
11 candidate. I don't understand exactly what that means.

12 Does that mean on my ballot, or does that  
13 mean on someone else's ballot? How does that work?

14 HEARING OFFICER PINO: That's a very good  
15 comment, and --

16 MR. SMITH: It needs to be more clarified.

17 HEARING OFFICER PINO: Thank you. We will  
18 definitely consider that. Thank you for that.

19 All right. So we have Exhibit 17, the  
20 sign-in sheet?

21 MR. LANGE: Yes, Madam Hearing Officer, I  
22 move to include Exhibit 17 into the record, which is  
23 today's attendance sheet for both general comment and  
24 the specific sections for each part of the rule.

25 HEARING OFFICER PINO: Okay. Does anyone

1 in the audience have any questions about the attendance  
2 sheet, or would like to inspect that at this time?

3 Okay. If not, I will accept Exhibit 17 as  
4 part of the record.

5 And now I would like to go over and -- just  
6 the remainder of the process and provide some  
7 information for everyone in attendance.

8 The data, arguments and testimony submitted  
9 during this rule hearing will be duly considered by the  
10 Secretary of State. It is important to note that there  
11 will be -- actually, this is our last one. We're done  
12 with our public hearings. Okay. So all the exhibits  
13 from these public comment hearings, again, have been  
14 incorporated into the final rulemaking record, in  
15 accordance with the State Rules Act.

16 Any rules adopted by the Secretary of State  
17 will be filed at the State Records and Archives Center,  
18 and accordance with the State Rules Act and New Mexico  
19 Register publication deadlines. Any rules or amendments  
20 not adopted may be postponed for future discussion at an  
21 indefinite time in the future, or may be postponed  
22 indefinitely.

23 I'd like to thank all the members of the  
24 public present for their participation. And certainly,  
25 again, your time in attending today.

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So let the record reflect that this hearing  
was adjourned at 2:16 PM on July 31st, 2019.

Thank you all.

MS. TOULOUSE OLIVER: As a closing remark,  
I want to thank you all for being here as well. Thank  
you.

[Proceedings concluded at 2:18 PM]



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STATE OF NEW MEXICO  
COUNTY OF BERNALILLO

CERTIFICATE OF COURT REPORTER

I, DEBRA ANN FRIETZE, New Mexico Certified Court Reporter No. 251, do hereby certify that I reported the foregoing proceedings in stenographic shorthand and that the foregoing pages are a true and correct transcript of those proceedings that were reduced to printed form by me to the best of my ability.

I FURTHER CERTIFY that the Reporter's Record of the proceedings truly and accurately reflect the exhibits, if any, offered by the respective parties.

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.

DEBRA ANN FRIETZE.  
Certified Court Reporter  
New Mexico CCR No. 251  
Date of CCR Expiration: 12/31/2019