

**From:** [Chris Mechels](#)  
**To:** [Lange, Dylan, SOS](#)  
**Cc:** [Pino, Sharon, SOS](#)  
**Subject:** [EXT] Comment - Hearing for Public Input on Part 1.10.7 NMAC and Repeal of Part 1.10.7  
**Date:** Tuesday, February 4, 2020 10:23:51 AM

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Dylan,

It seems that the SOS continues to have difficulty complying with the NM Rules Act, and that this hearing is illegal, in violation of the Rules Act.

See the following text, copied from the Rules Act, which you are not complying with, including Sections B (1) and (4).

14-4-5.4. Agency record in rulemaking proceeding.

A. An agency shall maintain a rulemaking record for each rule it proposes to adopt. The record and materials incorporated by reference in the proposed rule shall be readily available for public inspection in the central office of the agency and available for public display on the state sunshine portal. If an agency determines that any part of the rulemaking record cannot be practicably displayed or is inappropriate for public display on the sunshine portal, the agency shall describe that part of the record, shall note on the sunshine portal that the part of the record is not displayed and shall provide instructions for accessing or inspecting that part of the record.

B. A rulemaking record shall contain:

- (1) a copy of all publications in the New Mexico register relating to the proposed rule;
- (2) a copy of any technical information that was relied upon in formulating the final rule;
- (3) any official transcript of a public rule hearing or, if not transcribed, any audio recording or verbatim transcript of the hearing, and any memoranda summarizing the contents of the hearing prepared by the hearing officer or agency official who presided over the hearing;
- (4) a copy of all comments and other material received by the agency during the public comment period and at the public hearing;
- (5) a copy of the full text of the initial proposed rule and the full text of the final adopted rule and the concise explanatory statement filed with the state records administrator or the administrator's designee; and
- (6) any corrections made by the state records administrator pursuant to Section 14-4-3 NMSA 1978.

History: Laws 2017, ch. 137, § 6.

After the difficulties with the Campaign Finance Hearing, where the SOS failed to use the REQUIRED hearing procedure at NMSA 12-8, thus making the hearing illegal, I had hopes for better this time.

It seems that only a lawsuit will bring the SOS into compliance with NM laws on Rules Hearings, and lawsuits are expensive, tedious and exhausting.

It is shameful that the SOS has no respect for the very NM laws that she is tasked to enforce. She seems to feel "above the law" and daring citizens to bring a lawsuit.

Please consider what you are doing, and comply with the law.

Regards,

Chris Mechels  
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