
DOWN THE HATCH

HOW LEFT-WING ELECTION REFORMS CAN BE
FORCED ON UNSUSPECTING COMMUNITIES

PUBLIC INTEREST

— LEGAL FOUNDATION —

MAY 2020





DOWN THE HATCH

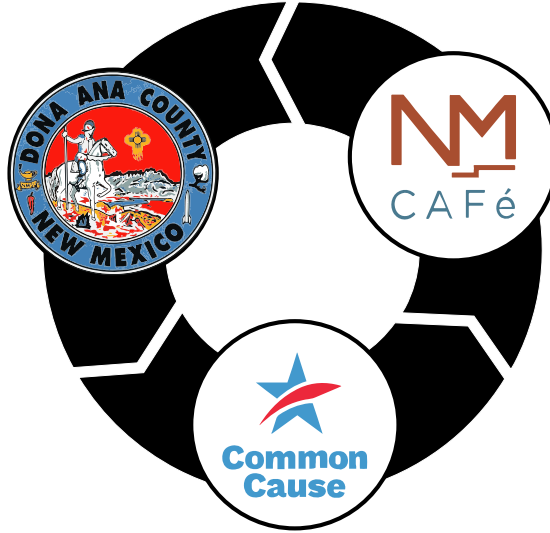
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WELCOME TO HATCH COUNTRY

Doña Ana County, New Mexico is not like most mid-sized counties in the United States. From the courthouse, it is roughly a one-hour drive to either of the two area ports of entry to Mexico. The latest U.S. Census estimates show the County is 69 percent Hispanic or Latino¹ and has a higher percentage of “foreign born” residents than the national average—an expected feature for the region, given its proximity to international ports of entry. These figures are not unique to this stretch of the American Southwest.

Throughout southern New Mexico and reaching into western Texas, native residents are typically descendants of an older frontier culture that transcended ethnicity to a point that touchstones like language, religion, and cuisine practically blended over time.



Doña Ana County, in many respects, embodies this "shadows" subculture.

These descendants work together, patronize the same restaurants, worship together, and their children struggle through high school Spanish class all the same. Regardless of partisan labels, together they uphold hardworking,

family-focused values with a distinct independent zeal. After all, their ancestors went west (or north) for a reason: to build a better life on their own terms.

But there's a parallel culture at play here as well. The demographic

makeup of the County and the wider region was not set in the late 19th Century. When then-President Barack Obama referred² to communities “living in the shadows” amid executive actions like the Deferred Action for Childhood Arrivals (DACA) or Deferred Action for Parents of Americans (DAPA), he was also talking about places like Doña Ana County. Because

of later immigration policies and enforcement (or lack thereof), the County continues to take in its share of families containing members who did not arrive according to the law. Even though those family units carried natural-born American citizens in the younger generations, that “shadow” mindset could broadly apply to other matters of public participation.

In Hatch Country, we see two largely separate cultures save for a common thread: the desire to be left alone and free of the turbulence of the American political system. Taken together, activists and similarly minded election officials saw cause for trying to reengineer systems to boost voter participation for particular policy ends. That’s where this story of transformation of elections administration really begins.

As the DACA and DAPA programs were being unveiled to the nation in 2014, several left-wing groups began a local campaign to socially engineer a new “culture” with companion election policy reforms designed to benefit allies and benefactors. This potentially exportable model helps to demonstrate what a friendly takeover of an election office could look like when large swaths of residents do not pay much mind to the maneuvers.



Supporters of DACA stage a walkout and rally at the New Mexico State University

Bachman, Josh. Sept. 5, 2017. *Las Cruces Sun-News*.



Students from Gadsden High School participate in a walkout in support of DACA.

Sept. 5, 2017. *Albuquerque Journal*.

OPEN WIDE

In late 2019, the Public Interest Legal Foundation encountered alarm about a rather novel situation, where election officials were creating voting process errors and also acting as sovereign partners with outside ideological interest groups. With the help of New Mexico's open records statutes, these theories were investigated. The Doña Ana County Clerk's Office eventually agreed to disclose more than 530 document, email and calendar files between local election officials and third-party groups from those outside ideological interest groups alleged to be pulling the strings.

The driving cause for the accusation that outside ideological interest groups were dictating governmental election administration decisions was borne out of another unique aspect in Doña Ana County: in 2015, officials established a citizen Election Advisory Council (EAC) designed to pool ideas and "incubate" local reforms to ideally

improve voter participation. While this body was subject to the New Mexico open records laws as well, the road to obtaining related records was not a simple or even exhaustive exercise.

It is through this EAC that the agenda of outside ideological activists became government policy.

Although New Mexico law says that "advisory" bodies established and funded by government offices are subject to open records requests, the County initially denied access to any work product and internal communications.

The records were exempt because they would expose "tactical response plans or procedures ... which could reveal specific vulnerabilities, risk assessments or tactical emergency security procedures that could be used to facilitate the planning or execution of a terrorist attack."

Government attorneys explained that the records were statutorily exempt because they would expose "tactical response plans or procedures ... which could reveal specific vulnerabilities, risk assessments or tactical emergency security procedures that could be used to facilitate the planning or execution of a terrorist attack."³

In other words, the County was saying it was making plans for how to respond to a terrorist attack with a group of organizations who knew absolutely nothing about terrorism or attack contingencies—and therefore the documents needed to be protected from view.

Naturally, the Foundation shared its concerns with such legal reasoning and eventually received clarification that the wrong open records exemption was cited in the denial. A month later, the County reversed its denial and instructed the owners of more than 130 email accounts registered with the EAC to disclose all of their communications about official advisory business.

In the months that passed, not a single email from a former EAC member was disclosed via County records officers or directly from members. Officials maintain to date they have no duty to produce Advisory Council communications for which they were not CC'd.

This means an unknown number of documents produced by a commission established by government election officials remain hidden from public view.



"CULTURE, CULTURE, CULTURE"

The Doña Ana County Clerk's Office—inside and out of the parameters of the EAC—saw the need for a culture fight over the past decade. Unlike the abortion or marriage debates for which the nation has grown accustomed, this was a fight prosecuted by local election officials to change their own constituents' voting habits. An official statement published in May 2017⁴ (though portions were drafted and circulated among third parties years before in disclosed emails) lays out the County and its local allies' grand vision:

“

*“Our vision is to build a voting **culture** in Doña Ana County ... A voting **culture** creates long-term **change**. A voting **culture** is a permanent, **sustainable** path that increases voter participation in local elections and as a result, will engage more people in democracy. We believe that this requires our **intention** and commitment to **design a culture** that fosters participation and engagement. Partners who share our values of **inclusive democracy** are our greatest resource in this **collective effort**...”*

Any county or city website regarding election administration is bound to contain encouraging language about voter participation, but they do not take the extra step to engage university staffers and activist groups to “design” a better electorate and shift power from duly constituted sovereign officials to outside ideological activists —much less brag about it in a public statement.

The exercise beginning in 2015 yielded a pattern of blurred lines between Doña Ana County Clerk staff and activist third parties pushing for local election policy reforms. To them, it did not matter if your undesirable voting behavior was driven by deeply ingrained pioneer independence or some other reason, YOU needed to change. And even if your habits did not change quick enough, you gave justifiable cover to officials and their friends to tinker with your election processes.



COLLECTIVE

In March 2015, the Doña Ana County Clerk's Office envisioned a body that would gather local "non-partisan" volunteers to promote "the community's understanding and involvement in activities related to the elections" as an officially recognized community organizing group. The body would act as a kind of auxiliary support system to boost targeted voter registration drives and media relations. If all went to plan, Doña Ana would achieve the "highest" voter registration and participation rate in the nation.

Despite the advertised promises of symmetrical input from both major political parties and any interest groups, the local EAC did not keep that promise in practice. Whether officials were naïve in thinking any other outcome was possible, or more likely, knew the eventual outcome of the body is immaterial. This type of organization might attract a respectable mix of interested parties in the early days, but the community organizers are going to stick around the longest. That outcome was built into the plan.

The disclosed emails and attached digital files explained that organizational restructurings occurred within the EAC in the earlier years. On balance, the regular written discussions and documents reflecting in-person public meetings show underwhelming meeting attendance from volunteers and broad goals but narrow means.

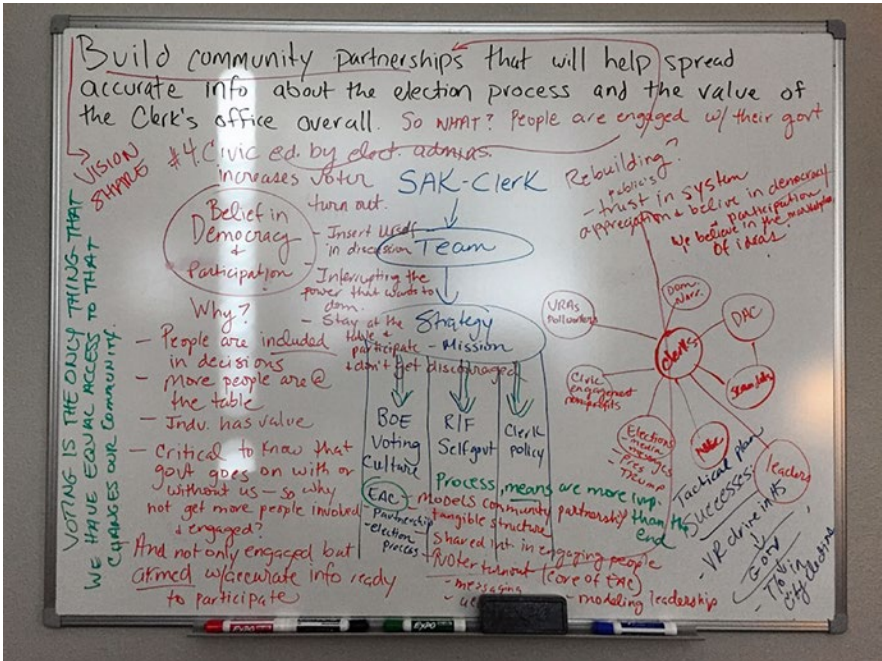
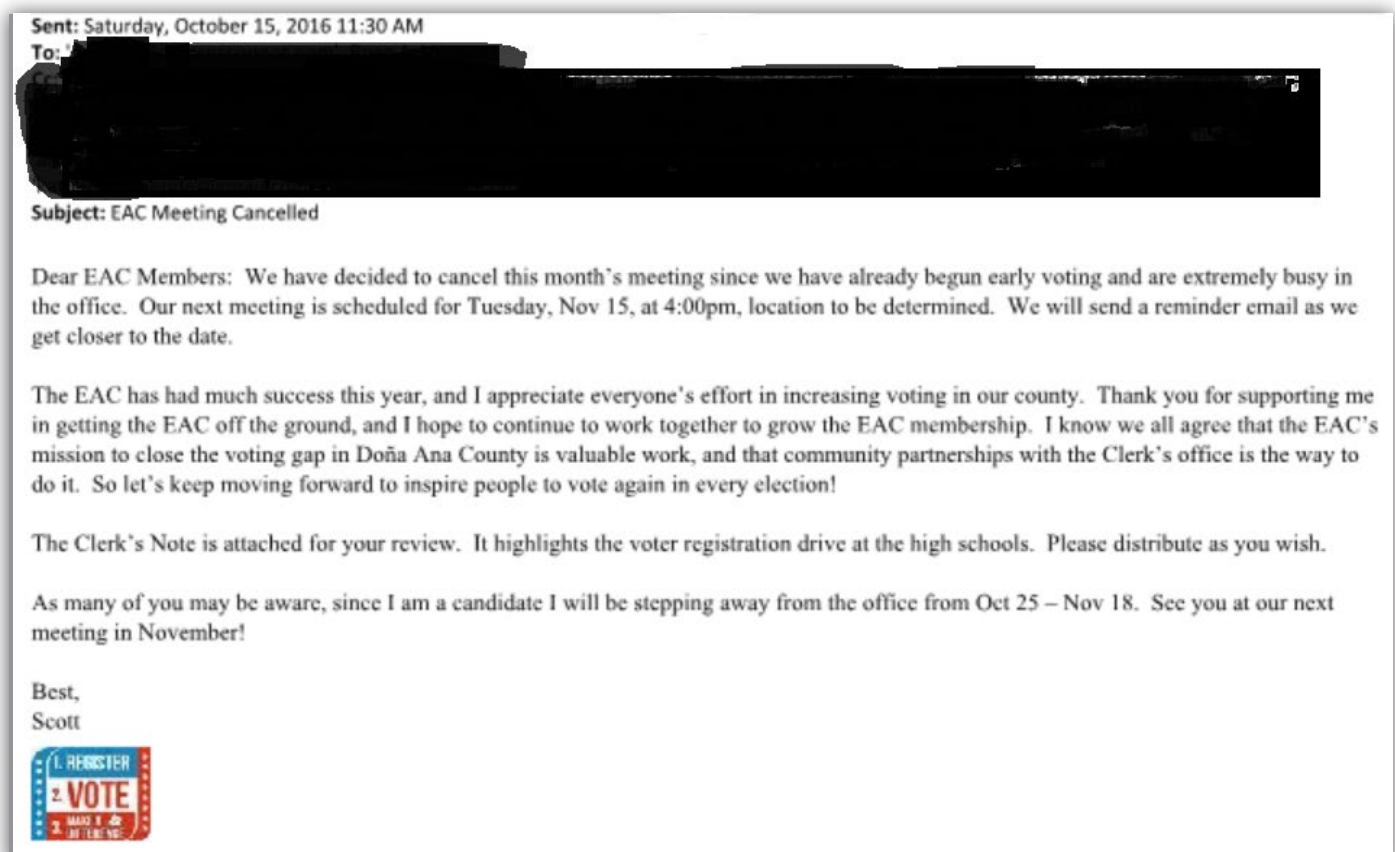


Image taken from December 20th, 2016 EAC meeting PowerPoint deck

Disclosed EAC meeting agendas and minutes grew repetitive in later years as the body focused on two core areas of action: voter registration drives in county high schools and new citizen naturalization ceremonies. The County's official Facebook page for events notes the last EAC meeting occurred in September 2019.⁵ In a January 2020 email to the Foundation, the County Clerk's office stated that EAC was "defunct."

The October 2016 session—the last before the presidential election—was cancelled outright.

The disclosed records involving the various EAC members and the County do not suggest any illegal activities and such official coordination did not typically rise above group editing processes for official government press releases and documents as well as coordinated editorial submissions to the local newspaper. Much of the email traffic involved volunteer needs at naturalization ceremonies or simple notifications that EAC members would not be able to attend the next meeting. The October 2016 session—the last before the presidential election—was cancelled outright. However, all EAC business emails between members alone



remain shielded from public view, due to the County's belief that it does not have legal authority to provide any EAC records for which it wasn't directly included.⁶

Even if the County did not directly see a cultural shift from the EAC's work, it was still successful in creating an official partnership between a sovereign election office and full-time activists dedicated to transformation of election process policies.



EAC FIGURES

More than 100 individuals registered with some level of participation with the EAC. Here are a handful of prominent members/involved officials.



*Amanda Lopez Askin, Ph.D. - Current
DAC Clerk, began position in
September 2018*



*Scott A. Krahling - Former DAC Clerk
- Resigned after in-office controversy
in 2018*



*Johana Bencomo - Las Cruces City
Council Member, current NM CAFé
Director of Community Organizing,
Former EAC member, and WK Kellogg
Foundation Community Leadership
Network Fellow.*



*Rose Vasquez - Former DAC
Chief Deputy Clerk, Organize NM
Operations & Communications
Manager*



WELCOME TO
NEW MEXICO
LAND OF ENCHANTMENT



MEET THE OUTSIDERS

Moving the needle in any recognizable way as it regards to election policy reforms requires year-round work. General public interest that can be converted into volunteer action is incredibly seasonable and fades after a week into November. The local EAC was not designed to be operated by full-time professionals. This fact did not put County officials at loose ends in their broader cultural redesign efforts, however.

The disclosed Doña Ana County Clerk's Office emails introduced a largely separate cast of activist third-party characters working closely to make big changes in a local way. Of the more than 500 disclosed email and calendar files, Common Cause New Mexico and Organize NM/NM CAFé show an outsized presence in County documents.

Common Cause New Mexico is a state chapter of a national organization that bills itself in part dedicated to "fair, secure, accessible elections" with a volunteer program "safeguarding voter's [sic] rights!"⁷ The group is also heavily invested in promoting ranked choice voting reforms around the state. The large majority of disclosed emails are between the County and Common Cause NM with particular interest in local ranked voting reform



NM Comunidades en Acción y de Fé (aka “NM CAFé / Organize NM”) is a 501(c)(3) Las Cruces “faith-based” group that “aspires to create a culture of support that empowers New Mexicans to act on their own behalf towards a better quality of life.” It dubs itself a “crucial actor in the political landscape” led by “strong spiritual leaders.”⁸ When staffers aren’t keeping in close contact with local election officials, they promote protests against ICE detention centers and raise awareness to forthcoming immigration raids.⁹ The “resist” group regularly discussed volunteer voter registration procedures and trainings in the disclosed emails. Although it was cross-pollinated with the EAC in some communications, others occurred outside the EAC.

NM CAFé’s tax status allows greater insights into its financial records. IRS 990 filings from 2016 through 2018 make clear that it is not a ragtag community activist group. During that period, the nonprofit enjoyed \$1.4 million in revenue. When accounting for sources of said revenue, \$0.86 on every dollar came from government grants. Another \$146,000 were raised from federated campaigns.

Creating Community Partnerships – Breaking Down Us vs. Them

- Problem – Barriers between the community and the authority
- Solution – Community Partnerships & Leadership
- Clerk’s office role in the community
- Breaking down the barriers
 - Knowledge, transparency, and accountability
- Price of Inaction
- 3 Step Solution
 - Focus on shared interests
 - Remove barriers that divide or distract us from achieving our goal
 - Create opportunities to co-create solutions

Given NM CAFé's physical proximity to the County officials and its own rhetoric about reshaping the "culture" of locals, the conversations paint a convincing picture that they are the intellectual and ideological drivers for the County government's "voting culture" campaign.

Being neighbors in the County was not the only tying factor between NM CAFé and the Office of the Clerk. In 2015, then-Communications Manager Rose Ann Vasquez on at least one occasion wrote to former Clerk Scott Krahling about office business, particularly as it pertained to voter registration list maintenance. Vasquez inquired about the amount and character of notice given to registrants before they were removed from the rolls and wondered aloud if the EAC could potentially engage with the registrar's office to re-register them.



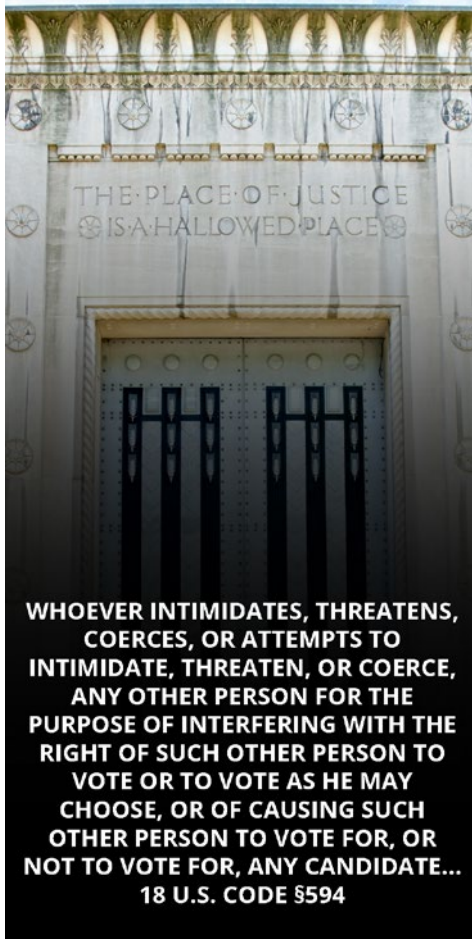
Months later, Vasquez penned a "farewell" email to associates, announcing she would be taking a job within the County Clerk's office under Krahling as a "document technician" in January 2016. One year later, she was promoted to Head of Communications. The following year, she was named Chief Deputy Clerk. In 2018, she admitted to investigators to an "intimate relationship" with Clerk Krahling, according to local reporting at the time.¹⁰ Krahling resigned in August 2018.¹¹

Vasquez also noted in her January 2016 farewell email disclosed by the County that she would still maintain a relationship with NM CAFé as an "independent contractor" via her new consulting firm dedicated to promoting "best practices."

Other progressive groups active in the region but not disclosed in official email communications include OLÉ, Progressive Voter Alliance NM, Emerge New Mexico, Conservation Voters New Mexico, South West Organizing Project, and more.



FIGHTING VOTER "INTIMIDATION"



When the average person hears the term “voter intimidation,” they’ll likely imagine Klansmen or New Black Panthers harassing would-be voters at the polls. There is certainly nothing wrong with these conceptualizations, but they also lack a certain imagination at play in southern New Mexico. Part and parcel of the belief that County residents are either choosing to or know no better than to live in “shadows” is the assumption that they are fearful of even the most local bureaucrats.

On multiple occasions with EAC members and privately with the other third-party groups, the Doña Ana County Clerk’s Office shared its concerns that the office was too “intimidating” and carried an adverse effect on voter participation. Email traffic and community PowerPoint presentations plainly use the intimidation language as fact with little explanation or justification. A public slideshow described this

presumed dynamic as an “Us vs. Them” challenge where considerable “barriers between the community and the authority” existed in December 2016. In the minds of County election officials, they had the same challenges as local police in gaining community trust.

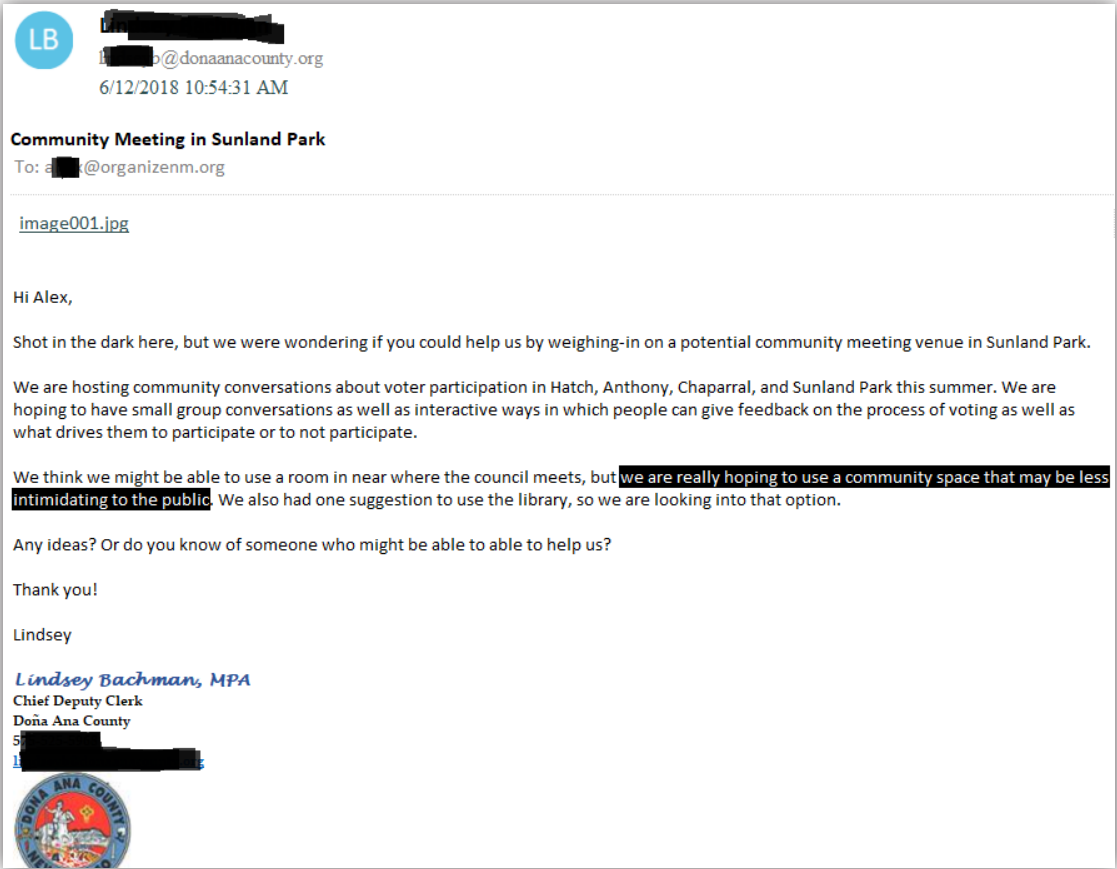
If this sounds familiar, it is because this is the skewed view of so many in the activist community, that government offices are somehow intimidating.

The County’s concerns were so prevalent that a clerk deputy reached out to NM CAFé in June 2018 in one document we discovered to help facilitate a public event promoting voter registration in Sunland Park—a small community directly

abutting the Mexican border. The listening session hoped to glean “what drives [residents] to participate or to not participate” in elections. However, a meeting space within a government building would not do as they needed “a space that may be less intimidating to the public,” according to the request email.

The goal was targeted voter mobilization. EAC helped guide officials in the joint mobilization campaign.

“Intimidation” is not a term thrown lightly in the context of elections, especially among professionals in the field. Whether contemporary County officials independently concluded that they were naturally threatening, or if the idea was fostered from the outside-in is an academic question at this point. That ultimate mindset is what drove the County to entertain significant election process reforms that they alone could foster, implement, and administer in conjunction with outside groups funded to lobby for the same outcomes.



PERMANENT TRANSFORMATIONS

The disclosed emails outline two primary episodes where the County demonstrated increasingly close connections to select progressive groups to discuss and embrace reforms of major election procedures.

RANKED CHOICE VOTING


Although the County had already committed itself to changing the culture of its citizenry toward voting, officials also embarked on a journey to fundamentally transform how votes were counted and redistributed in Las Cruces.

Unlike several other places where ranked choice voting was adopted or rejected, the voters of Las

Cruces did not get the final say when traditional vote counting was tossed in the name of progress. In 2008, Santa Fe residents adopted the reform via city charter amendment while Albuquerque residents rejected the question in 2019. The Las Cruces City Council unanimously adopted the reform on its own. Almost immediately

after, the Doña Ana County Clerk's Office locked arms with Common Cause-New Mexico to prepare for the new system, according to disclosed emails.

Literally hundreds of emails, calendar notifications, and brief messages



EXAMPLE BALLOT	1 st CHOICE	2 nd CHOICE	3 rd CHOICE	4 th CHOICE	5 th CHOICE
Burrito	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Green Relleno	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Red Enchilada	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Taco	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Tamale	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Doña Ana County-produced Graphic circa 2019.

memorializing phone calls were collected by the Foundation between the County and Common Cause-NM throughout 2019. While it was no secret that the private organization is committed to expanding ranked choice voting throughout the state, the sheer level of collaboration went largely unnoticed by local media accounts. Many months of message coordination yielded a County Clerk's Office fully in line with Common Cause's national pitch for Ranked Choice Voting (RCV).



Through this collaboration, how elections are conducted was fundamentally changed.

We obtained public remarks, PowerPoint presentations, newspaper submissions, posters/marketing materials, and more developed

by the County to prepare the public for RCV were subject to the editor's pen or strategic rewrites from Common Cause-NM. The co-branded outreach documents were not lip service to simply create an impression of community involvement. Dozens of disclosed emails that the Public Interest Legal Foundation obtained outline how Common Cause-NM staff would regularly travel to the County for prep meetings before city council hearings with debriefs thereafter regarding these radical process changes.

What is ranked choice voting?

The process with singularly partisan backing which can protect mainstream political party interests with rebellious and/or purist internal factions while remaining viable against a more unified party. RCV allows a rebel candidate to run against her traditional party without ultimately splitting the vote and giving the partisan opposition the ultimate win.

Take this hypothetical: Ohio decides that its 2020 Electoral College votes will be decided by RCV. Donald Trump, Joe Biden, and Bernie Sanders the independent stand in a three-man contest. Trump scores 42 percent of the vote, Biden gets 41 percent while Bernie gets the rest. No one reaches 50 percent-plus one according to voters' first choices. Bernie's 17 percent is then redistributed to the candidates listed as second choices. For simplicity, say all Bernie voters gave Biden their #2 pick. The totals would then shift to Biden 58 percent and Trump 42 percent automatically. Biden wins Ohio.

The outside groups were responsible for pushing the initial idea, responsible for a lobbying campaign, and were then tasked with selling the new policy to the public. Fair readings of the emails suggest progress was slow. Local media coverage of the first election under RCV in late 2019 widely created the impression that too many voters did not know about the new system until they were shown completely redesigned ballots and instructions.¹²

Both the County and Common Cause jointly decided the best thing to do was talk about the cost savings of RCV, as it is supposedly designed to avoid subsequent runoff elections. Local news reporting at the time suggest this reform was a solution in search of a problem, given the “we’re saving \$100,000 on not having runoffs” talking point was confronted with the fact that Las Cruces had not performed such an election since 1995 under the old system.¹³

THE MINIMUM WAGE CAMPAIGN

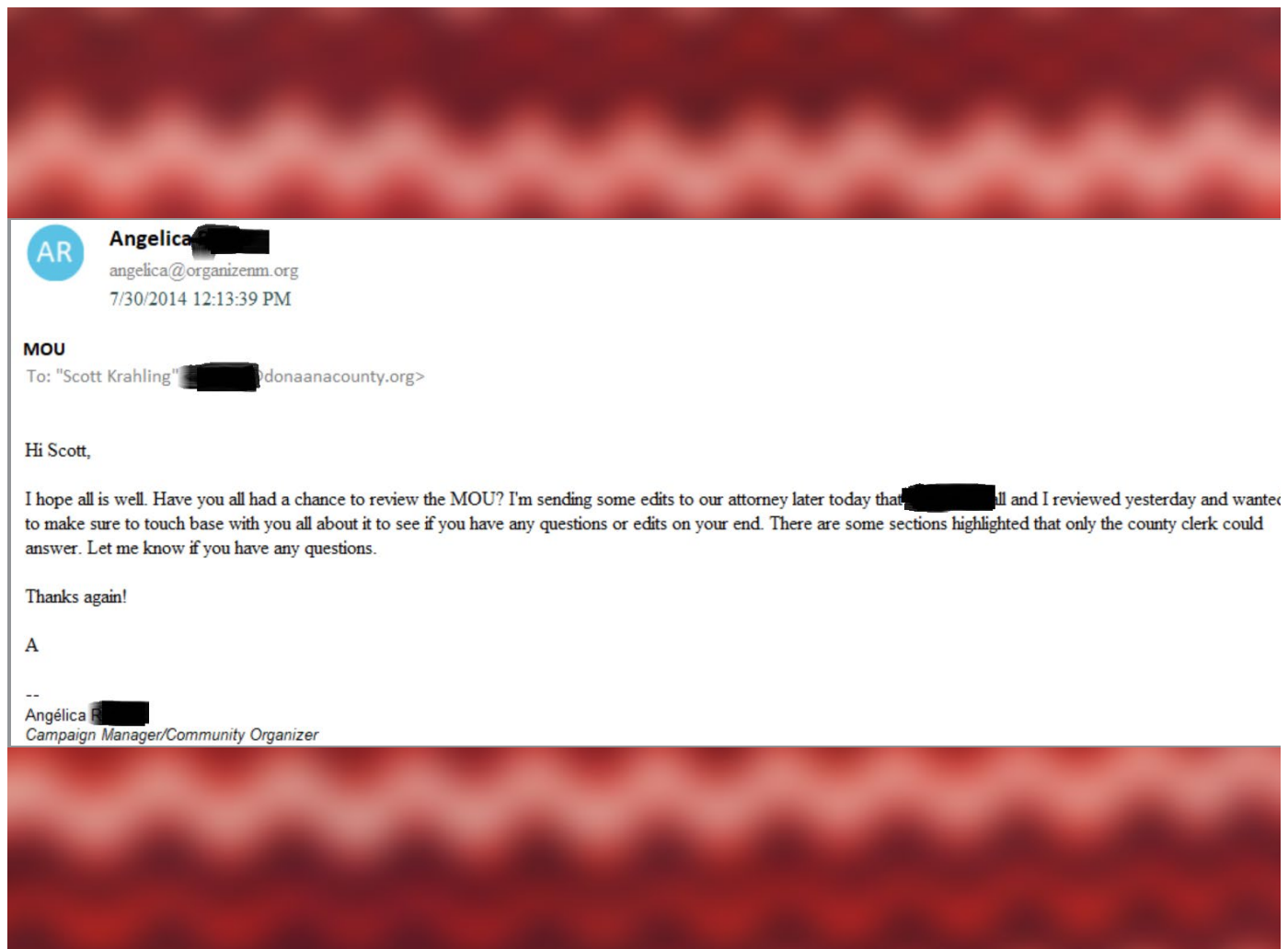
During the 2014 Election cycle, a minimum wage increase began to rise as a hot issue in the city of Las Cruces. Naturally, future EAC members were involved in this effort. NM CAFé’s petition circulation eventually gathered more than 6,000 signatures to qualify for ballot placement. But behind the scenes, the group reached to pull more strings to ensure that election processes were fine-tuned to ensure their initiative had the best possible chance for passage.

Emails obtained by the Public Interest Legal Foundation demonstrate that in the summer of 2014, NM CAFé began to promote a memorandum of understanding (MOU) document that, according to its draft language, would advance the minimum wage question by setting the date of the election.

To be clear: the community organizers publicly promoted the wage hike, circulated petitions, cleared the signature threshold for ballot placement, and lobbied the County to enter into a legal agreement with the City of Las Cruces and the New Mexico Secretary of State to set the election to a date they

believed to be most beneficial for the proposition's supporters. Bear in mind, NM CAFé was not and would not be a party to any actual agreement. Even more bizarre were email threads we obtained between the group and the Doña Ana County Clerk's Office where the draft language of the MOU was shared without the participation of legal counsel.

The draft MOU sought to set the municipal ballot question for the November 2014 elections, even though there were no other Las Cruces-focused initiatives or candidates on the ballot that year. The emails the Public Interest Legal Foundation obtained become vague in suggesting how far along the negotiations went. They were eventually terminated when the Las Cruces City Council voted to adopt the measure itself in September, one month after the email thread ended.¹⁴ Mission accomplished.

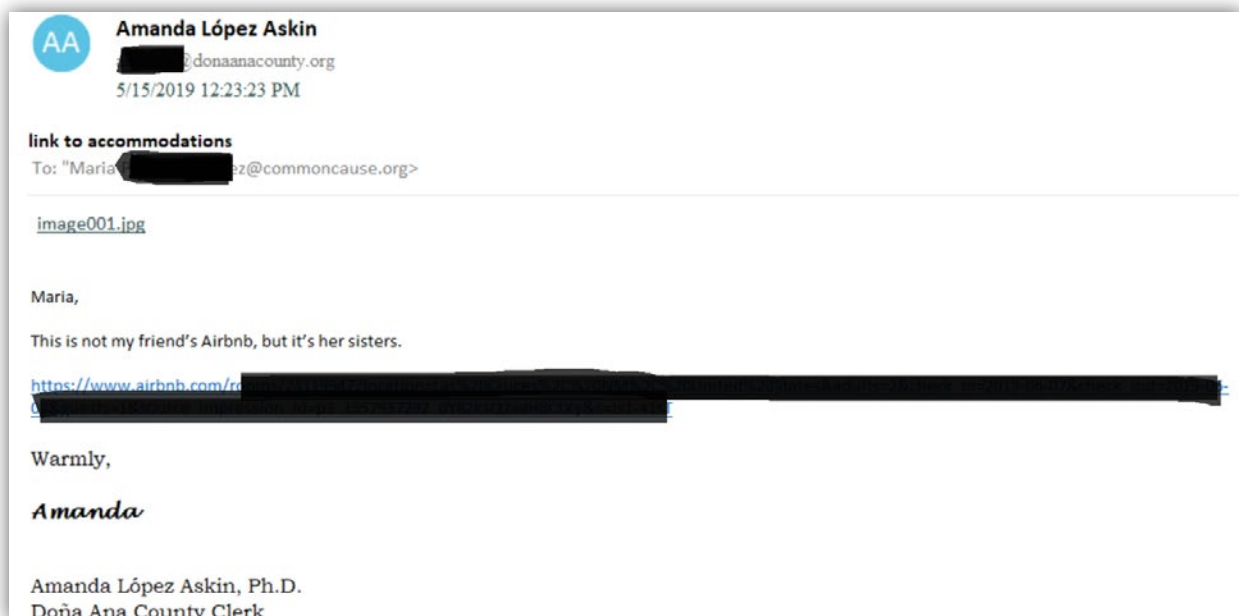


ASSESSMENTS

It does not matter if County officials originally saw fit to begin social engineering or if third-parties planted the idea. Either way, grand goals were set and an inside-outside partnership was formed.

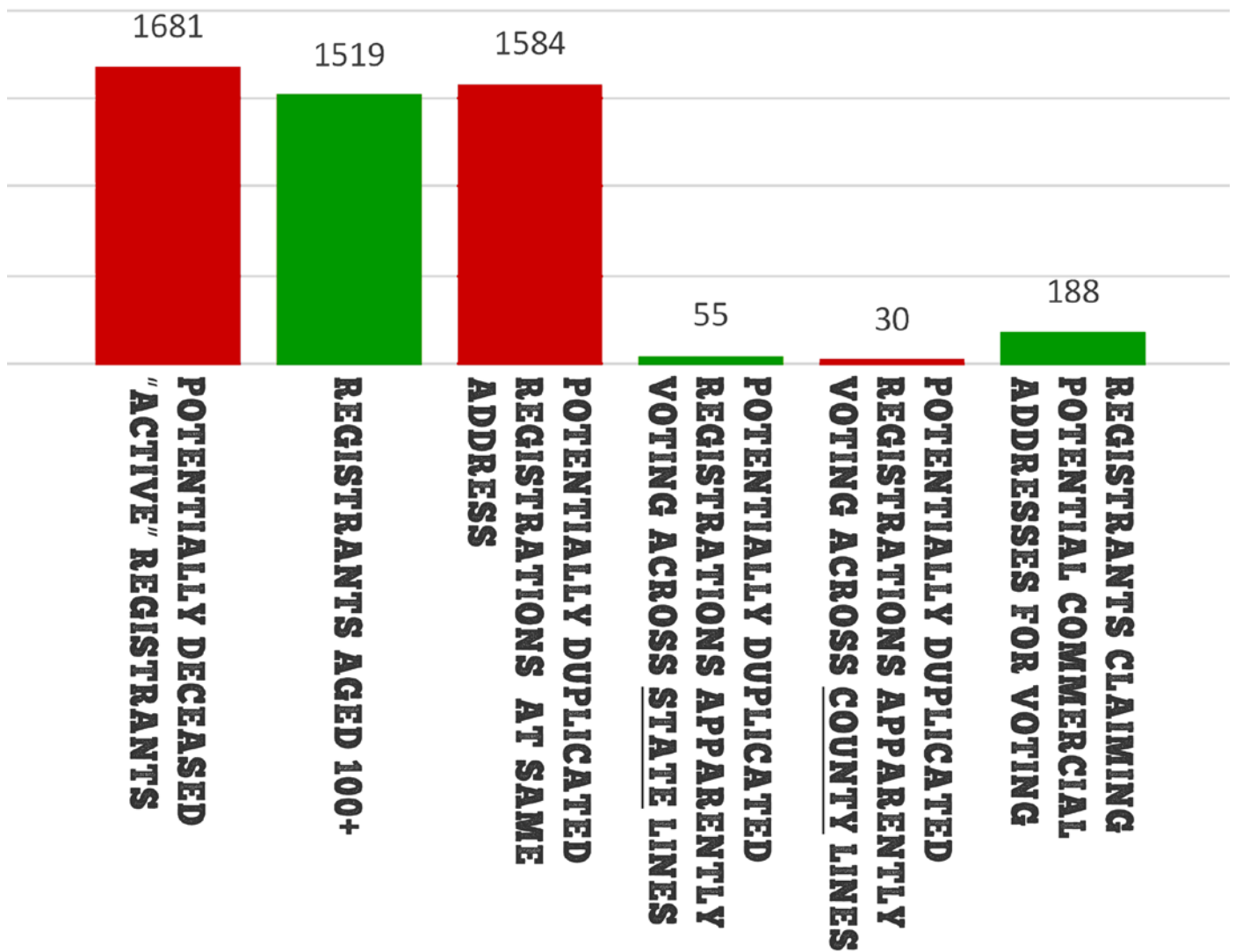
This symbiotic relationship between the County elections office and select third-party groups was not an organic development. Envisioning grand changes in culture--particularly where process matters are concerned--is going to attract a certain kind of ideological actor. When you combine that with tepid voter participation rates, you create a perfect proving ground for progressive experiments with election policies.

The close circle of County officials and third-party activists created its own culture of all being on the same team. It was only a matter of time before lobbyists received help in securing Airbnb lodgings personally connected to County officials for ranked choice voting outreach trips.¹⁵ It naturally led to a personnel revolving door between outside groups and the County office where third-party activists shopped resumes for elections office jobs and activist internships were discussed. Doña Ana County demonstrates perfectly that *personnel is policy*.



NEW MEXICO'S VOTER ROLL FLAWS

SUMMARY OF FINDINGS



POTENTIALLY DECEASED "ACTIVE" REGISTRANTS

1,681

Eighty-seven percent (87%) died in the year 2018 or before—some reaching back to the early 1980s. Dead registrants are managing to remain on the rolls for a noticeable period of time statewide. New Mexico ranks 28th among U.S. states with respect to carrying potentially dead registrants. That could improve if officials a) communicated with more states about deaths occurring elsewhere, and b) worked to fill gaps in its records with respect to personal identifying information (PII) like Social Security numbers. The Foundation was able to identify potentially dead registrants based on the Social Security Death Index with secondary verification from credit bureaus.

REGISTRANTS AGED 100+

1,519

The New Mexico voter roll contains more than 1,500 examples where registrants are aged 100 years and more, indicating missed deaths or absolutely incorrect voter registration data. A subset of this finding may suggest that election officials are using the birth year "1900" as a placeholder for registrants whose birthdates are simply unknown. The oldest registrant in the state was reportedly born in 1900, if indeed that is her correct information.

OLDEST REGISTRANT

BORN IN 1900

87% OF DECEASED

DIED IN 2018 OR BEFORE

**POTENTIALLY DUPLICATED
REGISTRATIONS AT
SAME ADDRESS**

1,584

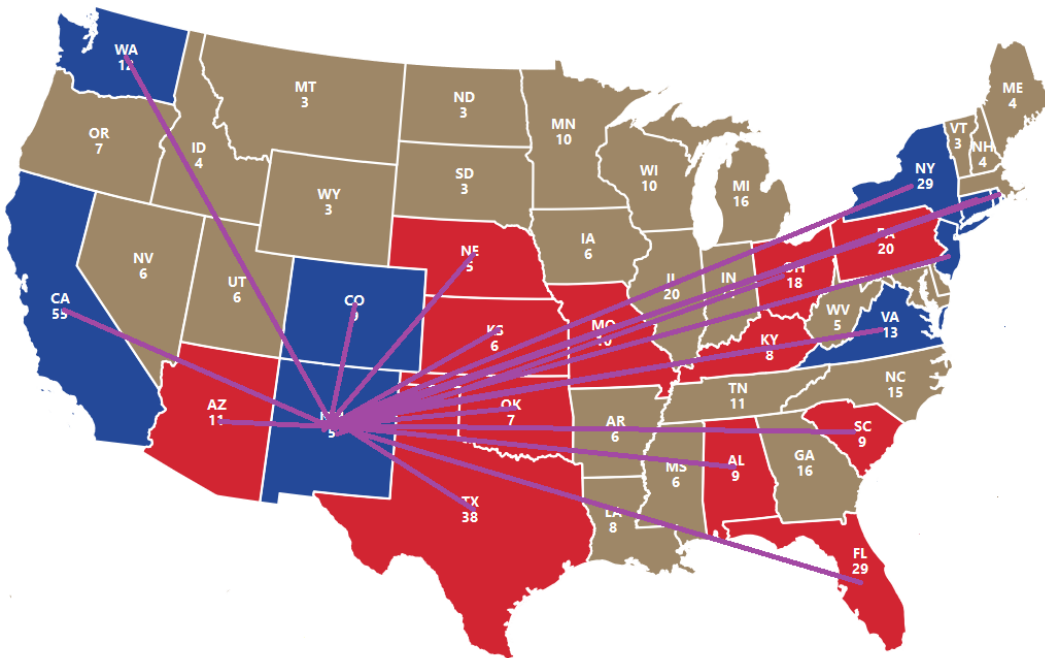
New Mexico's voter registration database system appears to allow individuals to become enrolled multiple times within the same address, presumably even when they provide matching Social Security numbers to validate identity. For this section of study, the Foundation was able to match full names and birth dates within single residential addresses. One of the more common scenarios of duplication is after a married woman reports a name change.

POTENTIALLY DUPLICATED REGISTRATIONS APPARENTLY VOTING ACROSS STATE LINES

55

Voting twice across state lines in a federal election comes with real criminal risks. This area of study found apparent interstate double voting relationships between registrants in New Mexico and New York, Kansas, Virginia, Arizona, Pennsylvania, Colorado, Alabama, Kentucky, Rhode Island, Connecticut, Texas, Washington state, Oklahoma, Nebraska, Missouri, California, New Jersey, South Carolina, Florida, Ohio. The Foundation arrived at this total after taking fully matched names and dates of birth from a crosscheck of the nation's voter registration records.

Matches were then compared against commercial database vendors to confirm matched persons with the same Social Security numbers.



U.S. Electoral College map

POTENTIALLY DUPLICATED REGISTRATIONS APPARENTLY VOTING ACROSS COUNTY LINES

30

Similar in methodology and verification process to the interstate crosscheck study, this looks within New Mexico alone to find duplicate registrants across county lines.

REGISTRANTS CLAIMING POTENTIAL COMMERCIAL ADDRESSES FOR VOTING PURPOSES

188

The New Mexico voter registration statute¹⁶ gives clarity on what qualifies as a residential address: “the residence of a person is that place in which his habitation is fixed, and to which, whenever he is absent, he has the intention to return.”

The Foundation utilized multiple means to flag these registrations, but ultimately only authorized election officials can conclusively determine voter eligibility.



Google. (n.d.). 1300 Block of N Main St, Las Cruces, NM 88001. Retrieved April 28, 2020 from <https://www.google.com/maps>

2020 ACTIONS BASED ON GATHERED FINDINGS

This work, beginning in 2019, was never meant to be an academic exercise. All voter registration research was developed for return to appropriate officials for follow-up civil and criminal reviews.

On April 7, 2020, the Foundation put the New Mexico Secretary of State on **notice of violation** of the National Voter Registration Act of 1993 for failing to reasonably maintain its voter rolls, according to Section 8 of the law.¹⁷ The document outlines the aforementioned voter roll findings, with particular emphasis on deceased and in-county duplicate registrations.

On April 8, 2020, the Foundation filed an *amicus curiae* brief in the **New Mexico Supreme Court** lawsuit to adopt emergency all-mail balloting for the 2020 Election.¹⁸ The brief outlined potential flaws in the statewide New Mexico voter registration roll that could directly impact any all-mail balloting scenario in 2020.

During the week of April 20, the New Mexico Secretary of State, in response to the federal notice of violation, **ultimately committed** to reviewing the Foundation's voter roll audit findings and will report back list maintenance actions taken as a result. Thankfully on April 14, the Court rejected the emergency shift in procedure.¹⁹



END NOTES

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- 2 CNN; Obama: ‘You can come out of the shadows’ (November 21, 2014), <https://www.cnn.com/2014/11/20/politics/obama-immigration-speech/index.html>
- 3 DACC Record Denial Letter to PILF (September 17, 2019)
- 4 Doña Ana County; EAC Issues Statement on Voting Culture (May 10, 2017), <https://donaanacounty.org/content/election-advisory-council-issues-statement-voting-culture>
- 5 Doña Ana County Clerk’s Office Facebook Page; Monthly Election Advisory Committee Meeting (September 17, 2019), <https://www.facebook.com/events/1002155496653925/>
- 6 DACC email to PILF (January 23, 2020)
- 7 Common Cause New Mexico (accessed April 2020), <https://www.commoncause.org/new-mexico/>
- 8 NM CAFé; Who We Are (accessed April 2020), <https://organizenm.org/>
- 9 NM CAFé; Latest News (accessed April 2020), <https://organizenm.org/latest-news/page/2/>
- 10 NM Politics; Krahling’s ‘intimate relationship’ with employee hurt clerk’s office, investigation concludes (September 5, 2018), <https://nmpolitics.net/index/2018/09/krahlings-intimate-relationship-with-employee-hurt-clerks-office-investigation-concludes/>
- 11 DACC press release; County Clerk Scott Krahling Resigns from Office (August 29, 2018), <https://www.donaanacounty.org/content/county-clerk-scott-krahling-resigns-office>
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