

OPEN LETTER

(Submitted to the House Committee on Administration)

Thank you and your committee for conducting the hearing on September 11, 2024, regarding election security and confidence in the United States' electoral systems. I greatly appreciate your efforts to bring light to the importance of secure and transparent elections, and I would also like to commend your decision to invite New Mexico Secretary of State Maggie Toulouse Oliver to testify on these matters. However, I must respectfully express serious concerns regarding the veracity of Secretary Toulouse Oliver's testimony.

During the hearing, Secretary Toulouse Oliver took an oath to be truthful. While she spoke proudly of receiving an award from MIT for New Mexico's election processes, her characterization of New Mexico's election system was far from accurate. As someone directly affected by the operations of the New Mexico Secretary of State's office, I can attest to significant issues that were neither disclosed nor addressed in her testimony.

1. Frivolous Information Requests

Secretary Toulouse Oliver dismissed many public information requests regarding the election system as "frivolous." I am one of the citizens who submitted such requests, seeking transparency and accountability. The lack of transparency from her office, particularly during the 2022 election, has been troubling. Communications during the 2022 general election revealed substantial technical issues with the election system, which the Secretary's office minimized.

2. Election Clerk Observations: Voter ID and System Vulnerabilities

Having served as an election clerk in two New Mexico elections, I was responsible for checking in voters and printing their ballots. The e-poll books are connected to the internet, which makes them vulnerable to hacking—a concern I have witnessed firsthand. Despite election workers being prohibited from asking for identification, about 70% of voters voluntarily show me their ID, underscoring how important it is to them to ensure their vote is properly cast. There have been reports of instances where voters arrived to vote, only to find the system showed they had already voted, raising concerns about the accuracy of the process. This experience stands in direct conflict with statements made by Secretary of State Maggie Toulouse Oliver during

public hearings, where she downplayed these issues. Voters want reassurance that their vote counts, and many feel showing their ID is a crucial part of that process.

3. Software Incident: "Leaflet" and Election Security

New Mexico uses KnowInk's Total Vote software for election night reporting. A feature of the software includes a mapping feature called "Leaflet," which was created by a Ukrainian living in Ukraine. There is no place for foreign software in election system software.

4. System Shutdown and Situation Room Instructions

On the night of the 2022 general election, the election system was intentionally shut down at 6 PM, while polls were still open. County clerks were instructed to report to a "situation room," as part of a pre-planned procedure. Such disruptions in the election process were never publicly explained, and they eroded public confidence. The public has a right to know why such drastic measures were necessary on election night.

5. Post-Election Manipulation and Court Orders

After the 2022 elections, multiple court orders were issued to open hundreds of ballot boxes across the state due to errors at polling places. Many county canvass boards reported issues with ballot counts that did not reconcile, but they were pressured to certify the canvass under threat of legal repercussions, as had occurred during the 2020 elections. After certification, the Secretary of State's office directed clerks to "fix" the numbers, opening the system to manual adjustments. This post-certification manipulation is deeply concerning and raises significant legal issues.

6. Certification Violations and Non-Compliance with VVSG Standards

New Mexico election law, under **NMSA 1978, Section 1-9-7.1**, requires that election hardware and software be certified by an outside vendor after every presidential election in accordance with the most current standards set by the Election Assistance Commission (EAC). The VVSG 2.0 standards, adopted by the EAC in February 2021, should have applied to the Dominion voting systems used in New Mexico. However, the Dominion system was last certified by an outside vendor in 2017, and the e-poll books were last certified in 2011. The Secretary of State's office has failed to comply with the statutory requirement to use systems certified to the most current standards.

Furthermore, the Secretary of State's election management system, Total Vote, supplied by KnowInk, has never been certified. This system is consistently connected to the internet during election cycles, which contradicts the notion of a secure, air-gapped system that Secretary Toulouse Oliver described during the hearing. The public deserves transparency about the risks associated with these internet-connected systems, particularly in light of the threats to election integrity.

7. County Election officials with passwords to change canvass paperwork of other municipalities.

The internet connected, uncertified election management system "Total Vote" chosen by Secretary Toulouse Oliver allows any election official to log in to any of the election jurisdictions using their password and access results and make changes to the official election documents. This occurred during the March 15, 2024 Sandoval County Canvass meeting where the Deputy County Clerk logged into the election system to change the canvass of two local municipalities during a public meeting.

8. Synopsis of Security Breach in New Mexico Elections.

A serious security vulnerability in New Mexico's election system, akin to that identified in a lawsuit against Georgia's Secretary of State, has been revealed by whistleblowers. The issue involves the Dominion voting system used across New Mexico, where encryption keys that should secure the election systems are stored in plain text on county election computers. This practice directly contravenes federal security protocols mandated by the Election Assistance Commission and the Federal Information Processing Standards (FIPS), which require proper encryption to safeguard against unauthorized access and tampering.

The whistleblower's information, backed by cybersecurity analysis, demonstrates that Dominion's failure to protect these encryption keys leaves the election system vulnerable to manipulation. An individual with access to the system could decrypt, alter, and re-encrypt election data without leaving a trace. Additionally, passwords for accessing New Mexico's election systems were found to be weak and consistent across counties, further exacerbating the security risk.

Despite claims from New Mexico's Secretary of State, Maggie Toulouse Oliver, that the election systems are offline and secure, several factors refute this assertion. Election machines come equipped with remote accessibility features, internet-connected "Albert Sensors" installed by the Center for Internet Security (CIS)

monitor county networks, and official election results are processed using a cloud-based election management system called Total Vote, which is internet-connected.

New Mexico law (Section 1-9-7.4(B)) mandates that voting systems failing to meet all legal requirements and federal guidelines must be decertified. The Estancia News has notified the Secretary of State's office of this breach, triggering her legal obligation to investigate and decertify the system.

9. Allowing Unqualified Candidates on the Ballot: Electioneering and Potential Fraud Against the People of New Mexico.

Recent developments in New Mexico, particularly during the 2024 election cycle, highlight alarming examples of election law violations that were allowed to persist. The most troubling of these cases is that of Robert F. Kennedy Jr., who was placed on the New Mexico general election ballot despite a ruling by the New York Supreme Court that he had falsified his residency information. Kennedy has resided primarily in California since 2014, yet the New Mexico Secretary of State's office, under Maggie Toulouse Oliver, failed to remove him from the ballot, violating the state's legal requirement that candidates must accurately disclose residency. This failure to enforce the law consistently undermines the trust of voters in the integrity of the electoral process.

This case is not isolated. Another example is Cindy Nava, a former Senior Policy Advisor in the Biden administration, who is running for New Mexico Senate District 9. Nava's nominating petitions contained critical errors, listing her residence in the wrong county, which should have disqualified her under New Mexico law. However, a Republican district judge ruled the error as a mere clerical mistake, allowing Nava to remain on the ballot. The New Mexico Supreme Court upheld this lenient ruling. Her connections to the Biden administration raise concerns that political favoritism, rather than adherence to the law, influenced these decisions.

Furthermore, in 2022, Mayna Erika Myers ran as a third-party candidate for Secretary of State, despite having moved out of New Mexico before the primary. This third-party bid, which could be viewed as an effort to split the vote, was allowed to persist due to the inaction of election officials, adding to the pattern of selective enforcement.

These cases, compounded by the passage of **SB 180** in 2023 have created an environment where candidates can obscure their addresses from public view under the guise of "safety concerns," making it harder for voters to verify residency. This

law has further eroded transparency in New Mexico's elections, allowing politically connected candidates to skirt the rules while others are disqualified for similar or lesser infractions.

These incidents show that election manipulation is being allowed across party lines, with both Democrats and Republicans contributing to the weakening of New Mexico's electoral processes. It is clear that without immediate reforms to restore transparency and fairness, public confidence in our elections will continue to erode.

10. Exposing the Hidden Influence of Campaign Finance and Lobbyist Violations.

As someone deeply committed to ensuring transparency in our electoral process, I have personally filed eight ethics complaints in 2023 regarding violations of New Mexico's Campaign Finance laws. In 2024, I filed 39 additional complaints so far related to both Campaign Finance laws and the Lobbyist Reporting Act. These violations strike at the heart of election integrity.

When candidates, committees, or lobbyists fail to properly report their financial activities, it hides the influence of money on our elections, preventing voters from seeing who is really funding campaigns and shaping policy. This lack of transparency opens the door to corruption, allowing special interests to quietly exert power over our government while the public remains in the dark. We must demand accountability to protect our democratic system and restore trust in our elections.

Conclusion

Secretary Toulouse Oliver's testimony did not provide an accurate picture of the significant vulnerabilities and issues within New Mexico's election system. These discrepancies are not trivial; they go to the heart of public trust in our republic. I urge your committee to continue its investigation into election security, with a focus on holding state officials accountable for ensuring compliance with legal standards and addressing systemic failures.

Thank you again for your leadership on this critical issue. I am available to provide further documentation or testimony as needed.

Warm regards,

Ramona L. Goolsby

Owner, GABI Center for Accountability LLC.