



STATE OF NEW MEXICO  
**MAGGIE TOULOUSE OLIVER**  
SECRETARY OF STATE

September 20, 2022

Torrance County Clerk's Office  
Attn: Yvonne Otero, Torrance County Clerk  
205 S Ninth Street  
Estancia, NM 87113  
(505) 544-4369

Email: [yotero@tnm.us](mailto:yotero@tnm.us)

Re: SOS Complaints 2022-08-029 & 2022-08-030 *Luchini v. Otero*

Dear Clerk Otero:

The Office of the New Mexico Secretary of State ("SOS") sent you an inquiry letter regarding ethics complaints filed by Chris Luchini of the Libertarian Party of New Mexico. We thank you for your responses. After review of the complaints, responses submitted, and supplemental materials received, we would like to provide the following guidance:

Regarding the posting requirement outlined in NMSA 1978, Section 1-2-6(B), though the posting of the list of the members of the election board on the county clerk's website and social media accounts is helpful and likely to reach the most amount of county residents, it remains a requirement to post a physical copy of the list in a publicly accessible place in the clerk's office, and to maintain it for the period required by statute. Please ensure you will post a physical copy of the list of the members of the election board in the County Clerk's office for the 2022 General Election

Regarding the requirements to send copies of the lists of names for the election board members in each polling place outlined in NMSA 1978, Section 1-2-14(A)(1). You have stated that you were unaware of the existence of the county chair of the Libertarian Party. Though it is best practice for the state party to ensure that its county party chairs transmit their contact information to county clerks, it is best practice for the clerk to mail to the state party chair any information that is required to be sent to the county party chair, if the county party has not alerted you to whom their county chair is. *See* NMSA 1978, Section 1-1-21 (when a political party in a county does not have a county chair, the state chair of the political party shall carry out the designated duty). While this allegation is not a violation of statute, if in the future you are unable to locate the county chair of a state party, it is best practice to directly contact the state chair. If there are questions regarding the status of any political parties, we recommend you reach out to the SOS for the most current information available.

Regarding the allegation of a potential violation of NMSA 1978, Section 10-1-10, the SOS has specific limited statutory jurisdiction over material violations of the Election Code and are unable to make a determination regarding violations of other state statutes as such. With regard to prohibitions against nepotism in the Election Code, Section 1-2-7(C) bars candidates, their spouses, and family members from serving on elections boards, but as you were not up for election in the 2022 primary election, this section does not apply to you.

We hope that this guidance will be helpful in ensuring statutory compliance going forward, and welcome future collaboration to continue to administer free and fair elections in Torrance County. Should you have any questions or concerns please do not hesitate in contacting our Ethics Division at 505-827-3600 or [sos.ethics@state.nm.us](mailto:sos.ethics@state.nm.us).

Respectfully,



Mandy Vigil  
State Elections Director

CC: Chris Luchini, Complainant

Enclosures: Clerk Otero's Responses to LPNM complaints

*Yvonne Otero*  
County Clerk

*Sylvia Chavez*  
Chief Deputy Clerk



Office of the Torrance County Clerk  
205 S. Ninth Street  
P.O. Box 767  
Estancia, New Mexico 87016  
505-544-4350 (office) 505-384-4080 (fax)  
[www.torrancecountynm.org](http://www.torrancecountynm.org)

August 22, 2022

Maggie Toulouse-Oliver  
New Mexico Secretary of State  
325 Don Gaspar, Suite 200  
Santa Fe, NM 87501

**RE: SOS Complaint 2022-08-029**

Madam Secretary Toulouse-Oliver,

This letter is in response to a complaint I received from the Libertarian Party of NM and your office regarding my lack of posting my precinct workers in a public place and sending out that list to each Chair of the political party in my county and sending the list to the Secretary of State.

- 1.) Posting of my list of Precinct Workers for my Polling Locations for June 2022 Primary Election. For the 2022 June Primary Election, I was unable to post any information in our local county newspaper. The reason for the newspaper not being in service was due to the staff getting sick from Covid-19. The paper was down not in operation from about December of 2021 to April 2022. I contacted the SOS office and asked them what my alternatives were and was advised that I was able to publish them onto our county website and my clerk's office social media accounts for Facebook and Instagram. The information was up for a couple of weeks then taken down. The county website went down due to an upgrade with the server and all information was lost as it was not able to be transferred over. I do not feel like anything was violated with this part of the complaint as there was no newspaper in my county and I posted in other avenues so that I would not be in violation.

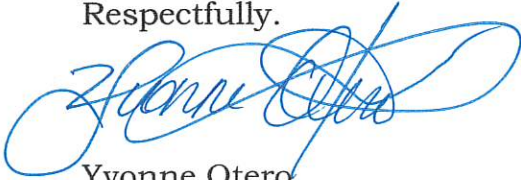
*Yvonne Otero*  
*County Clerk*

*Sylvia Chavez*  
*Chief Deputy Clerk*

2.) Sending list to the SOS and Each political Party in my County. In response to this I was not aware that I needed to send the lists to the SOS or the political party chairs in the county. The Democratic Chair and Republican Chair have always received our lists. Until recently I was not aware that the Libertarian Party of NM was active, and we did not have the party here in my county either. No lists were sent to them. I am now aware that the Libertarian Party in the state and my county are active, so when it is required of me to send them lists per statute, I will send this to the Libertarian Party as well and not just to the Democrat and Republican party chairs.

The county newspaper is up and running again and all required postings will again be run in the paper. The lists that are required of me to send will now be sent to the Libertarian Party Chair as well.

Respectfully.



Yvonne Otero  
Torrance County Clerk

*Yvonne Otero*  
*County Clerk*

*Sylvia Chavez*  
*Chief Deputy Clerk*



Office of the Tarrant County Clerk  
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August 22, 2022

Maggie Toulouse-Oliver  
New Mexico Secretary of State  
325 Don Gaspar, Suite 200  
Santa Fe, NM 87501

**RE: SOS Complaint 2022-08-030**

Madam Secretary Toulouse-Oliver,

This letter is in response to a complaint I received from the Libertarian Party of NM and your office regarding having my mother Mary Theresa Otero as a precinct worker at my absentee location.

I do not have anything to do with the hiring of my precinct workers. When it comes to the precinct workers at any of my voting centers for election day or my absentee or early vote locations. My Clerk 1, Genell Morris oversees that process for my office. I have a small office, so I delegate certain things to my employees to help with the process to keep up with regular office work, elections and extras that require only my attention.

When it comes to signing any documentation regarding pay, my Chief Deputy Clerk Sylvia Chavez, signs those forms that involve Mary Theresa Otero. From my understanding the Commission does not have to approve (nor do they have the authority in this, they only approve who I appoint for my board of registration) who I hire for my precinct workers, this is a Civic Duty, and she has worked elections for 15 years prior of me becoming the County Clerk. She has the experience and knowledge, so we have kept her on as an election worker. It is difficult in a small county not to be related to someone as well as finding people that can and want to

*Yvonne Otero  
County Clerk*

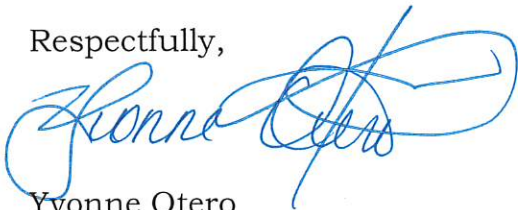
*Sylvia Chavez  
Chief Deputy Clerk*

work. Most of the people work full time and can't take off, some just don't want to work, or they do not want the responsibility of being the presiding judge or running the system as they are not familiar with computers.

The Board of Registration she was placed on as an alternate, not one of the main board members. I never stated that those that sit on the board of registration would not be compensated, they like my election workers, also get paid for being on the board and they only get paid for the time they work, which is normally 1 day.

To keep things smooth and running on Election Day and during early and absentee voting we do our best to keep the same people at each location because they have the experience, and they are willing to work. Therefor I believe that this complaint of nepotism is irrelevant. It's a small county and most of us are all related in some form.

Respectfully,



Yvonne Otero  
Torrance County Clerk