



ELECTIONS, ETHICS, AND VOTER COMPLAINT FORMS

NEW MEXICO OFFICE OF THE SECRETARY OF STATE

Ethics Division, Bureau of Elections
325 Don Gaspar, Suite 300 | Santa Fe, New Mexico 87501
(505) 827-3600 or Toll Free 1 (800) 477-3632

By my signature below, I verify that the allegations contained in this complaint, along with the attachments and exhibits hereto, are true and correct to the best of my knowledge and belief, and that I believe the allegations herein violate New Mexico election and/or ethics law.

COMPLAINANT'S INFORMATION (Person/organization filing out this complaint)

Name or Organization: Chris Luchini, Chair of the Libertarian Party of New Mexico
Address: 8100 Wyoming Blvd NE Ste M4 #341
City: Albuquerque State: New Mexico Zip: 87113
Phone: (888) 576-6669 Email: chair@lpnm.us
Preferred method of written communication: email

RESPONDENT'S INFORMATION (Person/organization complainant is being filed against)

Name or Organization: Yvonne Otero - Torrance County Clerk
Contact Person: Yvonne Otero
Address: 205 S Ninth Street
City: Estancia State: New Mexico Zip: 87016
Phone: (505) 544-4369 Email: yotero@tcnm.us

Attached hereto are 2 pages which reasonably describe the actions or inactions which I believe violate New Mexico election or ethics law, or HAVA. I have included a description of what action will resolve my concern.

Complainant's signature: Date: 7/28/2020
If you are an individual with a disability who needs assistance completing this form, please contact the Ethics Division.

For official use only, NM SOS complaint number: NM SOS # _____

CHRIS LUCHINI
Chair, Libertarian Party of New Mexico

July 25, 2022

Maggie Toulouse Oliver
New Mexico Secretary of State
Office of the Secretary of State
325 Don Gaspar, Suite 300
Santa Fe, New Mexico 87501

Secretary Toulouse Oliver:

As reported to me by Robert Wagner, resident of Torrance County, I am bringing to your attention a report of failure to act in accordance with statute by the Torrance County Clerk, Yvonne Otero, during this most recent primary election which took place June 7, 2022.

As per Section 1-2-6 NMSA 1978, Section B., The county clerk shall **maintain in a public place in the county clerk's office** a list of the members of the election board, the positions of the election board members and the assignments of the election board members. The list shall be **made available at least forty days before a statewide election** and at least twenty days before a special election and shall be updated when changed **until forty-five days after adjournment of the state or county canvassing board** or until forty-five days following any recount, contest or other judicial inquiry, **whichever is later**.

Clerk Otero failed to publicly post this list of election board members at any point within the required time before and after the primary election. During a Torrance County commission meeting Ms. Otero stated that the posting requirements of the election board were met by her submission of the report to the county website for one week leading up to the election. This is in plain violation of the aforementioned statute, even if you accept that a public web site is a 'Public Place in the County Clerk's Office'.

As per Section 1-2-14 NMSA 1978 A. Immediately after the appointment of the election boards, the county clerk shall: (1) make and certify a list of the names of the appointees for each polling location and **send a copy of the list to the county chair of each political party participating in a partisan election** and to the Secretary of State; [Mr Wagner informs me that an IPRA request to determine if and when the Torrance County Clerk transmitted these lists to the Secretary of State is forthcoming]

As there was no county chair for the Libertarian Party of Torrance County, this list should have been made available to the state party chair, Chris Luchini. Chair Luchini asserts that no such mailing, either in the US mail or by email was made.

It is imperative for election integrity that election boards be properly and equitably staffed by our county clerk. When the list isn't posted publicly and is kept from the public, it becomes impossible to ensure the proper political party balance required by law. In a time of increasing concerns of the integrity of our voting systems, a failure to act according to statute such as this cannot go unaddressed..

I call upon you, Madam Secretary, to:

1. Examine and validate these findings;

2. Take appropriate steps to correct the administration of the upcoming 2022 General Election to ensure election integrity, including a submission of your findings in this matter at the next available Torrance County commission meeting. A public statement from the Torrance County Clerk that election board lists will be made available to the public for the required time in future elections would go a long way to restoring public confidence that the Clerk's Office will act in accordance with the law.

Thank you for your swift response to this complaint.

Sincerely,



Chris Luchini
(888) 576-6669
8100 Wyoming Blvd NE Ste M4 #341
chair@lpm.us

References of Evidence (2)

A: YouTube video link(s) showing all publicly accessible wall space of exterior walls of the Torrance County office building.

B: YouTube video link(s) showing all publicly accessible wall space of interior walls of the Torrance County office building, including clerk's office.

A. "Torrance County Exterior" - YouTube User = Rob Wagner
https://www.youtube.com/watch?v=aAKvD_-gP20

B. "Interior of Torrance County Building" - YouTube User = Rob Wagner
<https://www.youtube.com/watch?v=we8hToMsApc>

"Deputy Clerk" - YouTube User = Rob Wagner
<https://www.youtube.com/watch?v=1gv8ru1HUQY>