



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: Libertarian Party of New Mexico
Address: 8100 Wyoming Blvd NE Ste M4 #341, Albuquerque, NM 87113
City: _____ State: _____ Zip: _____
Phone: 505 690 5008 Email: Chair@lpnm.us
Preferred method of written communication: Email

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

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

Attached hereto are 5 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: [Signature] Date: 8/14/2021

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

August 2, 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 an issue concerning the Torrance County Clerk, Ms Yvonne Otero.

As per Section 10-1-10 NMSA 1978, It shall hereafter be unlawful for any person elected or appointed to any public office or position under the laws of this state or by virtue of any ordinance of any municipality thereof, to employ as clerk, deputy or assistant, in such office or position, whose compensation is to be paid out of public funds, any persons related by consanguinity or affinity within the third degree to the person giving such employment, unless such employment shall first be approved by the officer, board, council or commission, whose duty it is to approve the bond of the person giving such employment; provided, that this act [10-1-10, 10-1-11 NMSA 1978] shall not apply where the compensation of such clerk, deputy or assistant shall be at the rate of \$600 or less a year, nor shall it apply to persons employed as teachers in the public schools.

Clerk Otero's mother, Mary Theresa Otero, was appointed to the primary Election Board as a Presiding Judge. There is no evidence that this appointment was ever confirmed by the County Commission. While Mary Theresa Otero's concurrent appointment to the Board of Registration was approved by the County Commission, Mz Otero stated at that time that the Board or Registration position would be uncompensated.

An inspection of county payroll records show Mary Theresa Otero has been compensated to the sum of \$4102.40 thus far in the calendar year 2022.

Case law applicable to these circumstances may be found at

<https://nmonesource.com/nmos/ag/en/item/12643/index.do>

I call upon you, Madam Secretary, to:

1. Examine and validate these findings;
2. Refer this matter to the appropriate agencies for criminal investigation, if appropriate

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

Attachments (2)

- A. Election Workers 2022.pdf | Torrance County 2022 Primary Election Board List showing Mary Theresa Otero appointed to the "Absentee District."
- B. election_pay.xlsx | Spreadsheet showing payments made to 2022 Primary Election Board workers, including Mary Theresa Otero.
- C. 2022 Compensation Mary Theresa Otero.pdf | Paystubs and compensation to Mary Theresa Otero for calendar year 2022, year-to-date