

STATE OF NEW MEXICO  
COUNTY OF LEA  
FIFTH JUDICIAL DISTRICT COURT

REPUBLICAN PARTY OF NEW MEXICO,  
DAVID GALLEGOS, TIMOTHY JENNINGS,  
DINAH VARGAS, MANUEL GONZALES, JR.,  
BOBBY AND DEE ANN KIMBRO, and  
PEARL GARCIA,

No. D-506-CV-2022-00041

Plaintiffs,

v.

MAGGIE TOULOUSE OLIVER in her official capacity  
as New Mexico Secretary of State, MICHELLE LUJAN  
GRISHAM in her official capacity as Governor of New  
Mexico, HOWIE MORALES in his official capacity as  
New Mexico Lieutenant Governor and President of the  
New Mexico Senate, and BRIAN EGOLF in his official  
capacity as Speaker of the New Mexico House of  
Representatives,

Defendants.

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**ANSWER**

Defendant the New Mexico Secretary of State Maggie Tolouse Oliver, in her official capacity, (“SOS”), by and through undersigned counsel, answers Plaintiffs’ *Verified Complaint for Violation of New Mexico Constitution Article II, Section 18* as follows:

1. Admitted.

2. SOS denies that Plaintiff David Gallegos’ ability to affiliate with like-minded Republicans and to pursue Republican associational goals has been impaired by Senate Bill 1; that partisan drafters intentionally “cracked” Republicans like Senator Gallegos in southeastern New Mexico, thereby substantially diluting their votes; or that the State Legislature’s cracking of

Republicans in southeastern New Mexico was unnecessary. SOS admits the remaining allegations in Paragraph 2.

3. SOS denies that Plaintiff Timothy Jennings' ability to affiliate with like-minded members of his community in Chaves County and the greater Roswell area has been impaired by Senate Bill 1; that partisan drafters intentionally "cracked" Republicans in southeastern New Mexico, thereby substantially diluting their votes; that in doing so, the State Legislature also "cracked" the non-Republican votes of these counties, especially Plaintiff Jennings' home of Chaves County; or that the State Legislature's cracking of Republicans in southeastern New Mexico and resulting cracking of all voters in these counties was unnecessary. SOS admits the remaining allegations in Paragraph 3.

4. SOS denies that Plaintiff Dinah Vargas' ability to affiliate with like-minded Republicans and to pursue Republican associational goals has been impaired by Senate Bill 1; that partisan drafters intentionally "cracked" Republicans in southeastern New Mexico, thereby substantially diluting their votes; that Senate Bill 1 also cracked parts of Albuquerque; or that the State Legislature's cracking of Republicans in southeastern New Mexico was unnecessary. SOS admits the remaining allegations in Paragraph 4.

5. SOS denies that Plaintiff Manuel Gonzales, Jr.'s' ability to affiliate with like-minded Republicans and to pursue Republican associational goals has been impaired by Senate Bill 1; that partisan drafters intentionally "cracked" Republicans like Plaintiff Gonzales in southeastern New Mexico, thereby substantially diluting their votes; or that the State Legislature's cracking of Republicans in southeastern New Mexico was unnecessary. SOS admits the remaining allegations in Paragraph 5.

6. SOS denies that Plaintiffs Bobby and Dee Ann Kimbro's ability to affiliate with like-minded Republicans and to pursue Republican associational goals has been impaired by Senate Bill 1; that partisan drafters intentionally "cracked" Republicans in southeastern New Mexico, thereby substantially diluting their votes; or that the State Legislature's cracking of Republicans in southeastern New Mexico was unnecessary. SOS lacks sufficient knowledge or information to form a belief as to the remaining allegations in Paragraph 6, and therefore denies them as well.

7. SOS denies that Plaintiff Pearl Garcia's ability to affiliate with like-minded Republicans and to pursue Republican associational goals has been impaired by Senate Bill 1; that partisan drafters intentionally "cracked" Republicans in southeastern New Mexico, thereby substantially diluting their votes, or parts of Albuquerque; or that the State Legislature's cracking of Republicans in southeastern New Mexico was unnecessary. SOS lacks sufficient knowledge or information to form a belief as to the remaining allegations in Paragraph 7, and therefore denies them as well.

8. Admitted.

9. Admitted.

10. Admitted.

11. Admitted.

12. Denied.

13. Admitted.

14. Admitted.

15. Paragraph 15 does not make an allegation of fact to which a response is required; to the extent a response is required, SOS denies such allegations.

16. Denied.
17. Paragraph 17 does not make an allegation of fact to which a response is required.
18. Paragraph 18 does not make an allegation of fact to which a response is required.
19. Paragraph 19 does not make an allegation of fact to which a response is required.
20. Paragraph 20 does not make an allegation of fact to which a response is required.
21. Paragraph 21 does not make an allegation of fact to which a response is required.
22. Paragraph 22 does not make an allegation of fact to which a response is required.
23. Paragraph 23 does not make an allegation of fact to which a response is required.
24. Paragraph 24 does not make an allegation of fact to which a response is required.
25. Paragraph 25 does not make an allegation of fact to which a response is required.
26. Paragraph 26 does not make an allegation of fact to which a response is required.
27. Paragraph 27 does not make an allegation of fact to which a response is required.
28. Paragraph 28 does not make an allegation of fact to which a response is required.
29. Paragraph 29 does not make an allegation of fact to which a response is required.
30. Paragraph 30 does not make an allegation of fact to which a response is required.
31. Admitted.
32. Paragraph 32 does not make an allegation of fact to which a response is required.
33. Paragraph 33 does not make an allegation of fact to which a response is required.
34. Paragraph 34 does not make an allegation of fact to which a response is required.
35. Paragraph 35 does not make an allegation of fact to which a response is required.
36. Paragraph 36 does not make an allegation of fact to which a response is required.
37. Paragraph 37 does not make an allegation of fact to which a response is required.
38. Paragraph 38 does not make an allegation of fact to which a response is required.

39. Admitted.

40. Admitted.

41. Admitted.

42. Admitted.

43. Admitted.

44. Admitted.

45. Admitted.

46. Admitted.

47. Paragraph 47 does not make an allegation of fact to which a response is required.

48. Paragraph 48 does not make an allegation of fact to which a response is required.

49. Admitted.

50. Admitted.

51. SOS lacks sufficient knowledge or information to form a belief as to the allegations in Paragraph 51, and therefore denies them.

52. SOS lacks sufficient knowledge or information to form a belief as to the allegations in Paragraph 52, and therefore denies them.

53. SOS lacks sufficient knowledge or information to form a belief as to the allegations in Paragraph 53, and therefore denies them.

54. SOS lacks sufficient knowledge or information to form a belief as to the allegations in Paragraph 54, and therefore denies them.

55. SOS lacks sufficient knowledge or information to form a belief as to the allegations in Paragraph 55, and therefore denies them.

56. SOS lacks sufficient knowledge or information to form a belief as to the allegations in Paragraph 56, and therefore denies them.

57. SOS lacks sufficient knowledge or information to form a belief as to the allegations in Paragraph 57, and therefore denies them.

58. SOS lacks sufficient knowledge or information to form a belief as to the allegations in Paragraph 58, and therefore denies them.

59. SOS lacks sufficient knowledge or information to form a belief as to the allegations in Paragraph 59, and therefore denies them.

60. SOS lacks sufficient knowledge or information to form a belief as to the allegations in Paragraph 60, and therefore denies them.

61. SOS lacks sufficient knowledge or information to form a belief as to the allegations in Paragraph 61, and therefore denies them.

62. SOS lacks sufficient knowledge or information to form a belief as to the allegations in Paragraph 62, and therefore denies them.

63. SOS lacks sufficient knowledge or information to form a belief as to the allegations in Paragraph 63, and therefore denies them.

64. SOS lacks sufficient knowledge or information to form a belief as to the allegations in Paragraph 64, and therefore denies them.

65. Admitted.

66. Admitted.

67. SOS lacks sufficient knowledge or information to form a belief as to the allegations in Paragraph 67, and therefore denies them.

68. SOS lacks sufficient knowledge or information to form a belief as to the allegations in Paragraph 68, and therefore denies them.

69. SOS lacks sufficient knowledge or information to form a belief as to the allegations in Paragraph 69, and therefore denies them.

70. SOS lacks sufficient knowledge or information to form a belief as to the allegations in Paragraph 70, and therefore denies them.

71. Admitted.

72. Admitted.

73. Admitted.

74. SOS denies that Senate Bill 1 disregarded traditional redistricting principles; SOS admits the remaining allegations in Paragraph 74.

75. Paragraph 75 does not make an allegation of fact to which a response is required; to the extent a response is required, SOS denies these allegations.

76. Denied.

77. Paragraph 77 does not make an allegation of fact to which a response is required.

78. Denied.

79. Paragraph 79 does not make an allegation of fact to which a response is required.

80. Paragraph 80 does not make an allegation of fact to which a response is required.

81. Paragraph 81 does not make an allegation of fact to which a response is required.

82. Paragraph 82 does not make an allegation of fact to which a response is required.

83. Paragraph 83 does not make an allegation of fact to which a response is required.

84. Paragraph 84 does not make an allegation of fact to which a response is required.

85. SOS lacks sufficient knowledge or information to form a belief as to the allegations in Paragraph 85, and therefore denies them.

86. Denied.

87. SOS admits that, under New Mexico's previous congressional district map, Chaves, Eddy, Lea, and Otero Counties were within the same district. SOS denies the remaining allegation in Paragraph 87.

88. SOS denies that, under Senate Bill 1, communities are "fractured"; SOS admits the remaining allegations in Paragraph 88.

89. Denied.

90. Denied.

91. SOS admits that under New Mexico's previous congressional district map, Chaves, Eddy, Lea, and Otero Counties were part of the same congressional district, and that a Republican candidate has held CD2 of all but one term since 2012; SOS denies the remaining allegations in Paragraph 91.

92. SOS admits that, under Senate Bill 1, Chaves, Eddy, Lea, and Otero Counties are no longer part of the same congressional district, and that McKinley, Sandoval, Bernalillo, Valencia, and Santa Fe Counties fall within more than one district. SOS denies the remaining allegations in Paragraph 92.

93. SOS admits that, under Senate Bill 1, the City of Hobbs, Albuquerque, and Roswell fall within more than one congressional district; SOS denies the remaining allegations in Paragraph 93.

94. SOS lacks sufficient knowledge or information to form a belief as to the allegations in Paragraph 51, and therefore denies them.



95. SOS admits that Senate Bill makes changes to all three prior congressional districts. SOS lacks sufficient knowledge or information to form a belief as to the allegations that the Journal Editorial Board quoted Speaker Egolf. SOS denies the remaining allegations in Paragraph 95.

96. Denied.

97. Paragraph 97 does not make an allegation of fact to which a response is required; to the extent a response is required, SOS denies the allegations in Paragraph 97.

98. Denied.

#### **AFFIRMATIVE DEFENSES**

1. The Court lacks subject matter jurisdiction.
2. The Complaint fails to state a claim upon which relief can be granted.
3. Plaintiffs are not entitled to attorneys' fees.

WHEREFORE, Secretary of State Maggie Toulouse Oliver respectfully requests this Court deny Plaintiffs any relief and grant her such other relief as may be just and proper.

Respectfully Submitted,

HECTOR H. BALDERAS  
New Mexico Attorney General

By: /s/ Olga M. Serafimova

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*Attorney for SOS Maggie Toulouse Oliver*

**CERTIFICATE OF SERVICE**

I hereby certify that on March 7, 2022, I filed the foregoing through the New Mexico Electronic Filing System, which caused all parties and counsel of record to be served by electronic means.

/s/ Olga M. Serafimova