



IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

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; **MIMI STEWART**, in her official capacity as President Pro Tempore of the New Mexico Senate; and **BRIAN EGOLF**, in his official capacity as Speaker of the New Mexico House of Representatives,
Petitioners – Defendants,

v.

No. S-1-SC-39481

HONORABLE FRED VAN SOELEN,
Respondent,

and

REPUBLICAN PARTY OF NEW MEXICO,
DAVID GALLEGOS, **TIMOTHY JENNINGS**,
DINAH VARGAS, **MANUEL GONZALES**,
JR., **BOBBY** and **DEE ANN KIMBRO**, and
PEARL GARCIA,
Real Parties in Interest–Plaintiffs,

MAGGIE TOULOUSE OLIVER, in her official capacity,
Real Party in Interest–Defendant

**SECRETARY OF STATE’S RESPONSE
TO VERIFIED PETITION FOR WRIT OF SUPERINTENDING
CONTROL**

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The New Mexico Office of the Secretary of State (“Secretary”) was not directly involved in the 2021 redistricting process and the Secretary’s statutory obligation to Senate Bill 1, 2021 Leg., 2nd Spec. Sess., 55th Leg. (N.M. 2021), is only to receive and chapter it. *See* Const. Art. IV, § 22. As such, the Secretary did not join or take a substantive position on the controlling legal issues presented by the Legislative and Executive Branch Defendants in their Motion to Dismiss pursuant to Rule 1-012(B)(1) and (6) NMRA 2021 in the underlying case. To the extent that the Secretary’s position is sought for review by the Supreme Court, the Secretary will again take no substantive position on the ultimate questions presented in the jointly filed *Verified Petition for Writ of Superintending Control* (“Verified Petition”).

This being said, the Secretary urges this Court to grant the Verified Petition and Order a hearing and supplemental briefing on the issues presented, as a timely resolution of these essential legal questions are necessary, will bring clarity to the election administration, and preserve the elective franchise. Granting the Verified Petition will also avoid the parties incurring unnecessary litigation costs and conserves the judicial resources of the New Mexico courts.

CONCLUSION

The Secretary asks this Court to issue the Writ of Superintending Control and Order a hearing and supplemental briefing on the issues presented in the Verified Petition if the Court deems necessary.

Respectfully submitted,

SECRETARY OF STATE
MAGGIE TOULOUSE OLIVER

/s/ Dylan K. Lange

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STATEMENT OF COMPLIANCE

The Secretary's Response complies with the limitations of Rule 12-318 NMRA. This Response is prepared in Times New Roman typeface and contains 236 words.

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing Secretary of State's Response to be served by email through the Court's electronic filing system to all counsel of record on September 6, 2022.

/s/ Dylan K. Lange
Dylan K. Lange