

**STATE OF NEW MEXICO
COUNTY OF LEA
FIFTH JUDICIAL DISTRICT**

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

Plaintiffs,

v.

Case No. D-506-CV-2022-00041

MAGGIE TOLOUSE OLIVER as New
Mexico Secretary of State, MICHELLE
LUJAN GRISHAM as Governor of New
Mexico, HOWIE MORALES as New Mexico
Lieutenant Governor and President of the New
Mexico Senate, MIMI STEWART as
President Pro Tempore of the New Mexico
Senate, and BRIAN EGOLF as Speaker of the
House of Representatives,

Defendants.

**SECRETARY OF STATE’S RESPONSE IN OPPOSITION
TO PLAINTIFFS’ MOTION FOR PRELIMINARY INJUNCTION**

Plaintiffs request an untimely preliminary injunction that would operate as a final judgment on the constitutionality of the duly enacted reapportionment of New Mexico’s Federal Congressional districts. According to *Plaintiffs’ Motion for Preliminary Injunction* (“*Motion*”), Plaintiffs seek to enjoin the Secretary of State (“Secretary”) from relying on the enacted United States representative districts, now codified in NMSA 1978, Section 1-15-15.2, and directs the Court to mandate the Secretary to apply different representative districts, not agreed to by the State Legislature or signed by the Governor. Such relief would also mandate moving election deadlines and redoing federal representative candidate qualification that has been completed as of February 8, 2022. It must be stated clearly and upfront, that the requested relief is not feasible before the

primary election without significant cost, confusion, and hardship to the voters, qualified candidates, and election administrators. If the preliminary injunction is issued, Plaintiffs will obtain their desired relief without success on the merits and would cause disastrous confusion to our primary election scheme already underway, when Defendants will ultimately succeed at trial or due to justiciability deficiencies in Plaintiffs' *Verified Complaint for Violation of New Mexico Constitution Article II, Section 18* (“*Verified Complaint*”).

This type of election preliminary injunction—that effectively resolves the entire litigation and seeks to change election procedures during an election—is extremely disfavored and requires an exceedingly high showing to obtain, including clear and unequivocal evidence of the four elements for a preliminary injunction. Plaintiffs failed to meet their heightened burden as pled, and most importantly to the Secretary, Plaintiffs fail to demonstrate that the State and the public would be unharmed by a belated injunction that would catastrophically disrupt the primary election scheme that is already underway. Plaintiffs’ extraordinary request for preliminary injunction must be denied.

I. The Standard for Issuing Preliminary Injunction

To obtain a Preliminary Injunction, a movant must show that: “(1) the [movant] will suffer irreparable injury unless the injunction is granted; (2) the threatened injury outweighs any damage the injunction might cause the [adversary]; (3) issuance of the injunction will not be adverse to the public's interest; and (4) there is a substantial likelihood [movant] will prevail on the merits.” *See LaBalbo v. Hymes*, 1993-NMCA-010, ¶ 11, 115 N.M. 314 (applying the four factors to review the grant of a preliminary injunction).

The limited purpose of a preliminary injunction “is merely to preserve the relative positions of the parties until a trial on the merits can be held[.]” *Schrier v. Univ. of Colo.*, 427 F.3d at 1258

(quoting *Univ. of Tex. v. Camenisch*, 451 U.S. at 395, 101 S.Ct. 1830). In that vein, the Tenth Circuit has identified the following three specifically disfavored preliminary injunctions: (i) “preliminary injunctions that alter the status quo”; (ii) “mandatory preliminary injunctions,” meaning injunctions that compel, rather than prohibit, activity on the enjoined party's part; and (iii) “preliminary injunctions that afford the movant all the relief that it could recover at the conclusion of a full trial on the merits.” *Id.* at 1258 (internal quotation marks omitted) (quoting *O Centro Espirita Beneficiente Uniao Do Vegetal v. Ashcroft*, 389 F.3d 973, 975 (10th Cir. 2004)). A party seeking a disfavored injunction must demonstrate a substantial likelihood of success on the merits and make a strong showing that the balance of harms tips in the movant’s favor and the preliminary injunction is not adverse to the public interest. *RoDa Drilling Co. v. Siegal*, 552 F.3d 1203, 1208 (10th Cir. 2009) (quoting, *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 129 S.Ct. 365, 374 (2008)).

All three circumstances characterizing particularly disfavored injunctions are implicated by the Plaintiffs’ *Motion*. *First*, Plaintiffs seek to disrupt the status quo that existed when the dispute arose by replacing the current representative district map, which was duly enacted by two branches of government, and have this Court implement an alternative district map of its choosing. *See Motion* at 15. In addition, Plaintiffs seek to disrupt the clear primary election procedures and deadlines in the Election Code and have this Court install new deadlines and procedures without any guidance or statutes for the Court to rely. *Id.* *Second*, the requested injunction compels mandatory action, as it enjoins the Secretary from relying on the current district map stated in Senate Judiciary Committee Substitute for Senate Bill 1, 2021 Leg., 2nd Spec. Sess., 55th Leg.

(N.M. 2021) (“Senate Bill 1”)¹ and directs the Secretary to use which ever map the Court decides to implement. *Finally*, the requested injunction would fully decide the merits of the dispute by having this Court determine that Senate Bill 1 is unconstitutional without a hearing on the merits. For all these reasons, the Plaintiffs must meet the extraordinary burden of establishing by clear and unequivocal evidence that they satisfy all four elements necessary for a preliminary injunction. Given the disfavored nature of the injunction they seek, any doubts must resolve in Defendants’ favor. Because the Plaintiffs cannot make a “clear and unequivocal” showing on *each* of the four elements necessary for preliminary injunction, their *Motion* must be denied.

It should further be noted that the Secretary was not directly involved in redistricting and the Secretary’s statutory obligation to Senate Bill 1, is only to receive and chapter it. *See* Const. Art. IV, § 22. As such, the Secretary will focus her brief on the extreme irrevocable harm that will be caused if the relief requested is ordered. The Secretary believes that the other named Defendants substantive arguments regarding the constitutionality are germane and accurate, and they are the proper Defendants to argue the constitutionality of Senate Bill 1, which will ultimately prove Plaintiffs’ failure to succeed on the merits of this case.

II. Plaintiffs Undue Delay In Bringing This Complaint Provides Ample Reason To Deny Plaintiffs’ Motion.

Plaintiffs demand an expeditious resolution through this last-minute *Motion* though have not acted expeditiously in seeking a workable resolution of the dispute. As such, the Court should look skeptically at the timing of this injunction and its requested relief. It is also important to note that no amount of expedited briefing or judicial expediency at this point can change the fact that

¹ The New Mexico Congressional District Maps are now available for download online at: <https://www.sos.state.nm.us/voting-and-elections/data-and-maps/congressional-maps/>.

the primary election scheme is already in progress, and candidates have been qualified to the representative districts in question. Such delay in filing this *Verified Complaint* and *Motion*, coupled with the fact that the primary election is well underway, with ten candidates qualified for congressional races, disallows Plaintiffs to establish that any threatened injury to Plaintiffs outweighs the fact that the Secretary and voters will not be irreparably harmed by clear and unequivocal showing.

a. Preliminary Injunctions In Election Matters Are Disfavored and Are Routinely Denied For Lack of Diligence.

The United States Supreme Court has long held “[U]nder certain circumstances, such as where an impending election is imminent and a State’s election machinery is already in progress, equitable considerations might justify a court in withholding the granting of immediately effective relief...” *Reynolds v. Sims*, 377 U.S. 533, 585, 84 S.Ct. 1362, (1964). Our federal courts have held that any intervention at this point risks practical concerns including disruption, confusion, or other unforeseen deleterious effects. *Purcell v. Gonzalez*, 549 U.S. 1, 127 S.Ct. 5, 166 L.Ed.2d 1 (2006)). This principle, known as the *Purcell* principle, reflects a bedrock tenet of election law:

When an election is close at hand, the rules of the road must be clear and settled. Late judicial tinkering with election laws can lead to disruption and to unanticipated and unfair consequences for candidates, political parties, and voters, among others.

Merrill v. Milligan, 2022 WL 354467, at *2 (U.S. Feb. 7, 2022). The *Purcell* Principle heightens the showing necessary for a plaintiff to overcome the State’s extraordinarily strong interest in avoiding late, judicially imposed changes to its election laws and procedures. *Id.* Though the *Purcell* principle was created and deployed under federal jurisprudence, there is no doubt the same principles apply at a state level, as the result of last-minute changes will of course lead to disruption

and to unanticipated and unfair consequences for candidates, political parties, and voters. The *Purcell* principal also dovetails with the equitable defense of Laches.

Laches is rooted in the principle that “equity aids the vigilant and not those who slumber on their rights.” *Kansas v. Colorado*, 514 U.S. 673, 687 (1995) (internal quotation marks omitted). The doctrine “bars a party's dilatory claim ... when there is: ‘(1) lack of diligence by the party against whom the defense is asserted, and (2) prejudice to the party asserting the defense.’” *Biodiversity Conservation All. v. Jiron*, 762 F.3d 1036, 1090-91 (10th Cir. 2014) (quoting *Nat'l R.R. Passenger Corp. v. Morgan*, 536 U.S. 101, 122 (2002)). Courts have applied laches particularly strictly in election cases, in recognition of the fundamental importance of the right to vote and the reliance interests of innocent voters whose votes could be discarded if litigants wait to challenge voting procedures until close to, or after, an election is held. *See Detroit Unity Fund v. Whitmer*, 819 F. App'x 421, 422 (6th Cir. 2020); *King v. Whitmer*, No. 20-CV-13134, 2020 WL 7134198, at *6-8 (E.D. Mich. Dec. 7, 2020) (Dec. 7, 2020).

b. Plaintiffs' Delay Tips The Balance Of Harm Towards The Defendants

Time is particularly of the essence if a lawsuit seeks judicial action that may prevent the election from happening on time. Like the courts themselves, all parties must minimize delays in this context. As asserted in a Texas redistricting case decided earlier this year, “avoidable delays may be fatal to the courts’ ability to proceed at all.” *In re Khanoyan*, 2022 WL 58537, at *1 (Tex. Jan. 6, 2022). As articulated by our State Elections Director, “[e]ven a minor delay or alteration of the primary election calendar at this stage would cause serious disruptions for election administrators, candidates and most importantly voters.” **[SOS Exhibit 1] Declaration of Mandy ¶ 13.**

Plaintiffs have shown no diligence in bringing their *Verified Complaint* and *Motion* with knowledge of the pending deadlines imposed by the Election Code. Senate Bill 1 was signed into law on December 17, 2021. On January 22, 2022, the *Santa Fe New Mexican* ran an article entitled “GOP files lawsuit over redistricting.”² Based on the filing history in this case Plaintiff filed their *Verified Complaint* on January 21, 2022. The Secretary was not served the *Verified Complaint* or *Motion* until February 4, 2022. There is no indication or explanation in the *Motion* on why Plaintiffs waited forty-nine (49) days to serve their *Verified Complaint* and *Motion*, nor why they “served” our state newspapers before the Defendants in the case. Plaintiffs waited until after substantial work was completed for redistricting by our election administrators and three days after federal representative candidates filed their declarations of candidacy to serve their *Complaint* and *Motion*. Plaintiffs offer no evidence, authority, or even an explanation as to how the relief they request can be implemented in time for the June 2022 primary election. Additionally, none of Plaintiffs’ pleadings in this case have indicated to the Court that expedited relief was required, including Plaintiffs’ *Request For Hearing* on this matter. Such a delay in bringing suit and Plaintiffs’ subsequent lackadaisical approach to resolving this matter, buttressed with the extraordinary harm the relief sought would cause to the state and public interest as articulated in the *Declaration of Mandy Vigil*, certainly tips the balance of harm towards the state Defendants, and should be deemed as fatal to any request for preliminary injunction. As such, the preliminary injunction should be denied based on the untimeliness of bringing this suit and its subsequent delay.

² Robert Nott, *GOP files lawsuit over redistricting*, https://www.santafenewmexican.com/news/legislature/gop-files-lawsuit-over-redistricting/article_cc423ef4-7b20-11ec-ad9f-d3d4c908c126.html. Last viewed on February 18, 2022.

III. The Requested Preliminary Injunction Would Irreparably Harm the State's Ability To Uniformly Administer the Primary Election and Is Against the Public Interest.

Perhaps most clearly, Plaintiffs' *Motion* should be denied because of the damage it would cause to the state's election deadlines and the constitutional guarantees of voters and candidates in the state. The irrevocable nature of Plaintiffs' requested relief also means that the public interest supports keeping the current candidate deadlines in place until a definitive conclusion can be reached as to Senate Bill 1's constitutionality.

Here, the balance of harms and public interest factors weigh in Defendants' favor. These two preliminary injunction factors "merge when the Government is the opposing party." *Nken v. Holder*, 556 U.S. 418, 129 S. Ct. 1749, 1753 (2009). It is undisputed that the State has a compelling interest in preserving the integrity and uniformity of its election process while minimizing disruption that create unfair consequences for candidates, political parties, and voters. The State Elections Director has set out the extremely disruptive consequences of moving any statutory deadline for the 2022 Primary Election cycle at this point. Going further, Ms. Vigil also states that "[c]hanging the candidate filing date after we have already completed candidate qualification will create considerable confusion and frustration among voters and election administrators and may contribute to the growing lack of trust voters have in democratic institutions." *Dec. Mandy Vigil* ¶ 20. Based on the facts presented in the *Declaration*, it is not feasible for the State to implement Plaintiffs requested.

Although Plaintiffs seek to disrupt the current election process under way, they propose no reasonable alternative to the Court. While this should be dispositive on its own, the Court should also rely on the fact that its equitable powers do not extend so far as to disregard procedures set

forth by statute or to rearrange the Election Code. To do so would violate the separation of powers. *State ex rel. Riddle v. Oliver*, 2021-NMSC-018, ¶ 40 (quoting, *State v. Roy*, 1936-NMSC-048, ¶ 73, 40 N.M. 397) (“We are committed by our Constitution to the doctrine of separation of powers. It is fundamental that no one of the three branches of government can effectively delegate any of the powers which peculiarly and intrinsically belong to that branch. The power to make law is reserved exclusively to the Legislature.”). Here, the existing statutory scheme for the primary election is set forth in detail pursuant to Article 8 of the Election Code and it is underway. It will irrevocably break the statutory guarantees for candidates and voters in the 2022 Primary Election if the Court disregards the Election Code or judicially substitutes its own procedures at this point.

As such, Plaintiffs should not be permitted to unravel New Mexico’s primary election law deadlines, period; and certainly, without offering a possible way to ensure the rest of the guarantees in the Election Code, afforded to all New Mexicans, are ensured. A ruling denying the Plaintiffs *Motion* would be consistent with the jurisprudence in New Mexico in which courts have routinely refused to remedy potential constitutional or election violations with new elections or altering the election procedures while an election is taking place or are contrary to clear legislative processes. *See Gunaji v. Macias*, 2001-NMSC-028, ¶ 36, 130 N.M. 734, 744 (A constitutional violation occurred, but that holding a new election was an unsatisfactory remedy); *State ex rel. Riddle v. Oliver*, 2021-NMSC-018, ¶ 40, 487 P.3d 815, 829 (Secretary had a nondiscretionary duty to follow the primary election procedures set forth in the Election Code.); *RPNM et. al. v. Oliver*, S-1-SC-38537, *Order Denying Writ of Mandamus*, October 21, 2020 (Court denied *Mandamus* where Plaintiffs sought the Court to intervene on election procedures where process of ballot qualification was in legislation and underway.).

IV. Conclusion

Plaintiffs are requesting an extraordinary preliminary injunction, one that would resolve the case in their favor if granted. Because Plaintiffs have not met the exceedingly high burdens needed—including establishing all four elements for such a preliminary injunction, *Plaintiffs’ Motion* should be denied.

Respectfully submitted,

SECRETARY OF STATE
MAGGIE TOULOUSE OLIVER

/s/ Dylan K. Lange

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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 February 18, 2022.

/s/ Dylan K. Lange
Dylan K. Lange

STATE OF NEW MEXICO
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FIFTH JUDICIAL DISTRICT

REPUBLICAN PARTY OF NEW MEXICO,
DAVID GALLEGOS, TIMOTHY JENNINGS,
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Plaintiffs,

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No. D-506-CV-2022-00041

MAGGIE TOLOUSE 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, 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,

Defendants.

DECLARATION OF MANDY VIGIL

I, Mandy Vigil, declare under penalty of perjury that the facts stated below are true and correct to the best of my personal knowledge and belief.

1. I am the State Elections Director for the Office of the New Mexico Secretary of State ("SOS"). I have served in the Elections Division of the SOS since May 2011. The Secretary of State is the chief election officer of New Mexico, entrusted by the Legislature with responsibility for obtaining and maintaining uniformity in the application, operation, and interpretation of the Election Code and providing for efficient administration and conduct of elections.
2. As State Elections Director, I am familiar with the administration and operations of New Mexico elections, including the enormous preparation and responsibilities that both state and local election administrators must fulfill to meet the deadlines mandated in the Election Code, along with the appreciation of the time, money, and labor it takes. I am also aware of the laws and regulations that election administrators must comply with to plan, coordinate, and execute a successful election.

3. Every election conducted is the result of months of preparation. The primary election scheduled for June 7, 2022, is no exception. Primary elections, in fact, often involve a greater amount of effort to organize and conduct than non-primary elections because they are run in conjunction with major political parties and entail additional deadlines to account for the unique characteristics of a primary, such as the candidate filing period, a pre-primary convention, and an additional filing day for those candidates who were unsuccessful in gaining their party's designation.
4. On December 9, 2021, the SOS published its 2022 Candidate Information Guide that contained the June 7, 2022, Primary Election Calendar, and other important election dates ("Election Calendar"). The Election Calendar provides election administrators, candidates, and the public a timetable of events and deadlines that occur throughout the election cycle for everyone to plan accordingly. Although election day is not until June 7, 2022, multiple deadlines on the Election Calendar have already passed, while many others are fast approaching.
5. It is incorrect to describe the June 2022 Primary Election as upcoming. The June 2022 Primary Election has already started, and candidates have already qualified for federal congressional office using the current congressional districts created with the passage of Senate Judiciary Committee Substitute for Senate Bill 1, 2021 Leg., 2nd Spec. Sess., 55th Leg. (N.M. 2021).
6. Moving or redoing the federal officer filing day, as proposed in *Plaintiff's Motion for Preliminary Injunction*, ¶ 14, after it has already been conducted, would cause immense administrative upheaval, which risks compromising the integrity and perceived integrity of the primary election as well as imposing substantial burdens on state and local election administrators. In fact, any change to candidate filing day, at this point could not be done without complex and disruptive implementation to our election process.
7. To offer an example, the candidate filing period for the June 7, 2022, Primary Election was on February 1, 2022. Multiple candidates have filed their paperwork which includes, a declaration of candidacy, nominating petitions, and financial disclosure statements. At this point the candidates are qualified and will appear at their pre-party convention to seek the endorsement of their party. The Election Code allows certain qualified candidates who did not receive their party's endorsement, to submit additional nominating petition signatures to our office by March 8, 2022. See NMSA 1978, Sections 1-8-21.1, 1-8-33(D).
8. On filing day candidates must also present the required number of nominating petition signatures from voters in their district. The threshold number for each office was listed in the 2022 Candidate Information Guide. For example, in Congressional District 1, the threshold number of signatures was 1,282 for Democrats, 524 for Republicans, and 77 for Libertarians. The federal candidates had about 49 days to gather these signatures. If another filing day was scheduled based on redrawn districts, candidates would have

to scramble to gain a significant number of signatures from new voters who are registered in their district. This could only be done after the election administrators redrew the voting districts based on a Court Order, which would certainly take time to complete as these changes would affect all thirty-three (33) county clerks. Allowing for this qualification process to start again would cause unimaginable delay in the administration of the election and would jeopardize the finalization of the ballot.

9. After candidate filing day, there is also around a 20–30-day period in which candidates or voters may contest another candidate's qualification as a candidate or contest the SOS's determination of disqualification. *See* NMSA 1978, §§ 1-8-26, 1-8-35.
10. Were the court to redo candidate filing day or change the federal congressional district maps, a second filing period would need to be scheduled for candidates seeking public office. Candidates who were qualified during the initial statutory filing period may no longer be eligible for the office sought due to a change in district lines. In such an instance, the SOS would have qualified candidates that may not be eligible due to insufficient nominating petitions or improper declaration of candidacies. A candidate is also ineligible to submit more than one declaration of candidacy or for a different office, if eligible, during the second filing period. Other candidates whose applications were accepted in the initial filing period and remain eligible for the office sought may attempt to refile due to confusion over the renewed deadline or revised districts. In addition, candidates who failed to timely apply in the first filing period, or whose initial applications were rejected due to a defect, may take advantage of the second filing period which would cause frustration of duly qualified candidates and voters. Importantly as well, is that there will be insufficient time for candidates to gather the requisite number of signatures in support of their candidacies due to the rescheduling of filing day.
11. This also would include moving all the deadlines listed above for election candidate challenges, and the unsuccessful candidates at their preprimary convention seeking additional signatures well past March 8, 2022, the statutory deadline for finalizing federal candidate nomination.
12. Moving deadlines also comes with a risk of massive confusion to the voters, who are now unaware about which candidate will represent them, and if they signed a nominating petition in support of a candidate for this office, the Election Code disallows them to sign another petition for a different candidate for the same office, further harming the voters' right to participate and support a candidate of their choosing.
13. My alarm about the extremely disruptive consequences of moving any statutory deadline for the Primary Election Calendar at this point, is based on my observations and experience of managing statewide elections for more than a decade. Even a minor delay or alteration of the Primary Election Calendar at this stage would cause serious disruptions for election administrators, candidates, and most importantly voters. At this point, the changes requested by Plaintiffs, are not feasible before the primary election

without significant cost, confusion, and hardship. Indeed, if delays are ordered, election administrators will not be able to substantially comply Election Code for the upcoming primary election.

14. Once the federal candidates are set, election administrators design and proof the ballots, program the ballots into the voting machines, and conduct logic and accuracy testing to ensure that there are no errors. Logic and accuracy testing is a collection of pre-election procedures that help ensure that the voting equipment and ballots to be used in an upcoming election can properly display the ballot, collect votes, and accurately tabulate results. It also helps ensure that the candidates only appear in the districts for which they are running.
15. April 8, 2022, is the last day a County Clerk may certify a candidate to the SOS and it is the SOS's deadline for certifying ballot position and when the ballots are sent to the ballot printer to ensure compliance with mailing Federal Qualified Electors their ballots.
16. According to the Military and Overseas Voter Empowerment ("MOVE") Act, New Mexico election administrators must transmit mailed ballots to military and overseas voters no later than 45 days before a federal election. If the court were to alter any deadlines, it would risk eliminating or reducing whatever leeway election administrators to comply with this federal deadline. Not only could this delay impact when voters receive their mailed ballots, but it could also cause election administrators to violate the MOVE Act and be subject to a federal enforcement action. From my experience, the U.S. Department of Justice strictly enforces the MOVE Act. The Department of Justice typically contacts our office both in advance of the 45th-day deadline and after to verify compliance.
17. Additionally, even if the election administrators were able to send out ballots promptly, the accelerated timetable increases the likelihood of errors when creating and finalizing the ballot. To mitigate this risk, election administrators would have to devote more money and resources, such as personnel, to ballot preparation.
18. A note on 2022 redistricting, the counties have already sunk a significant amount of time, money, and labor into drawing the new federal representative election precinct lines and are preparing to send out updated voter information card to voters, specifying their voting information, including their election precinct. Not only would New Mexico counties be unable to recoup these expenditures, but should the court order the State to adopt new congressional district maps, the counties would be forced to review and redraw the election precincts a second time. Which would cause them to do another voter information card. This "redistricting" would be expensive, especially because the counties would need to act on an expedited basis as the primary cannot be held until the election precincts are finalized. This would also be extremely frustrating and confusing to voters who will receive two information cards with different information on them in quick succession.

19. In addition, the SOS is mandated to mail out a statewide notice to all voters regarding upcoming election information before the Primary Election at an estimated cost of \$618,000. As of now this notice will be mailed out within weeks. If the primary deadlines or congressional districts are judicially moved our office would have to resend this notice. In addition, if the deadlines to candidate qualification, date of the pre-primary convention deadlines change the SOS must amend its election proclamation at a cost of \$58,000 and must do so before the statutory deadline to amend concludes on March 1, 2022. County clerks are also required to publish in the newspaper the proclamation's applicable races in their county.
20. Changing the candidate filing date after we have already completed candidate qualification will create considerable confusion and frustration among voters and election administrators and may contribute to the growing lack of trust voters have in democratic institutions. The election challenges faced during the pandemic will only be compounded with anger and frustration due to changing the election deadlines and rules after the fact.

EXECUTED in Santa Fe County, State of New Mexico, on this 18th day of February 2022.


Mandy Vigil
State Election Director