

OFFICE OF THE NEW MEXICO SECRETARY OF STATE

PUBLIC COMMENT RULE HEARING

August 4, 2023
9:00 a.m.
Morgan Hall
State Land Office
310 Old Santa Fe Trail
Santa Fe, New Mexico

HEARING OFFICER: MS. LINDSEY BACHMAN

REPORTED BY: SUSAN M. HILTON, RMR, CRR, NM CCR 108
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(8399N) SMH

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1 APPEARANCES	1 Register on June 27, 2023. Copies of the proposed
2 For the Office of the Secretary of State:	2 rules have been available at the Secretary of State's
3 MS. LINDSEY BACHMAN	3 Office and posted on its website since the notice was
4 Director of Legislative & Executive Affairs	4 published. Copies of the proposed rules are also
5 Office of the Secretary of State	5 available to the public attending this hearing on the
6 New Mexico State Capitol North	6 table located near the door.
7 325 Don Gaspar, Suite 300	7 I ask all members in attendance today to
8 Santa Fe, New Mexico 87501	8 please silence their cellphones, and I ask that any
9 505-479-2626	9 extended conversations be held outside of this room.
10 lindsey.backman@sos.nm.gov	10 May I remind everyone to sign the
11	11 attendance sheet that will later be entered as an
12 MS. MANDY VIGIL	12 exhibit into the record of this hearing. It's at the
13 Bureau of Elections Director	13 front of the room. If you have not signed in, please
14 Office of the Secretary of State	14 do so at this time. Let the record show that Staff
15 New Mexico State Capital North	15 and Secretary of State's Office are present. Deputy
16 325 Don Gaspar, Suite 300	16 Secretary of State, Sharon Pino, General Counsel,
17 Santa Fe, New Mexico 87501	17 Peter Auh, and Elections Director Mandy Vigil.
18 505-827-3617	18 This is a formal proceeding, and a court
19 mandy.vigil@state.nm.us	19 reporter to my left has been designated to transcribe
20	20 the proceedings. The transcription from this hearing
21	21 will be available as part of the rule hearing record.
22	22 Therefore, persons recognized to testify or offer
23	23 comments are asked to identify yourself for the
24	24 record by name and relevant affiliation, if any, each
25	25 time you address the Hearing Officer. And the court

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1 HEARING OFFICER BACHMAN: This hearing will	1 reporter has also asked that you please spell your
2 now come to order. Today is August 4, 2023, and the	2 name when you do that for the record. Speak loudly
3 time is 9:00 a.m. We are assembled in Morgan Hall at	3 and clearly so the reporter can pick up your
4 the State Land Office, Santa Fe, New Mexico. I'm	4 comments.
5 Lindsey Bachman, Director of Legislative and	5 This hearing will be conducted in the
6 Executive Affairs for the New Mexico Office of the	6 following manner and in accordance with 1.24.25.13
7 Secretary of State. I will be acting as the Hearing	7 NMAC. First, the Secretary of State staff will
8 Officer for this public comment rule hearing.	8 present exhibits. I will rule on the admissibility
9 The purpose of this hearing is for the	9 of the exhibits offered for admission. Exhibits
10 Secretary of State's Office to receive public	10 admitted into evidence are available for review by
11 comments, views, arguments, testimony, and data on	11 members of the public. After staff offers exhibits,
12 amendments to existing rules: 1.10.12 NMAC, Absentee	12 and their admission has been ruled upon, I will open
13 Voting, 1.10.19 NMAC, Secured Containers, 1.10.22	13 the hearing for testimony and comments from the
14 NMAC, Provisional Voting, 1.10.24 NMAC, Referendum	14 audience. If you have indicated that you would like
15 Petition Procedures, 1.10.35 NMAC, Voter Record	15 to testify, please make sure that you have signed
16 Systems.	16 your name on the attendance sheet.
17 This hearing is being conducted pursuant	17 We will proceed in numerical sequence
18 to, and in accordance with, Section 1-2-1 NMSA 1978,	18 through each part through each proposed rule
19 which authorizes the Secretary of State's Office to	19 amendments. I will introduce the part of the rule in
20 implement rules pursuant to the provisions of, and	20 which we will receive testimony. After the part of
21 necessary to carry out the purposes of, the Election	21 the rule is introduced, I will call for testimony.
22 Code. In addition, this hearing format will comply	22 Speakers will only address one part of the rule at a
23 with the State Rules Act.	23 time. Please limit your testimony to only the part
24 Public notice of this hearing was provided	24 of the rule we are receiving testimony on. However,
25 to the public and published in the New Mexico	25 speakers may refer to other parts of the rule that

6 1 reasonably relate to the part of the rule being 2 discussed which relate to your comments. 3 I further ask that people do not applaud or 4 voice opposition after hearing a particular comment. 5 Each speaker will be given two minutes to provide 6 comment each time that they're up at the podium. The 7 Secretary of State's Office does not follow the Rules 8 of Evidence, and therefore, the Hearing Officer may, 9 in the interest of efficiency, exclude or limit 10 comments or questions deemed irrelevant, redundant, 11 or unduly repetitious. The decision as to whether 12 such exhibits, testimony, commentary, or other 13 evidence is relevant, redundant, or unduly 14 repetitious shall be made by me, the Hearing Officer. 15 May I have a show of hands on the number of 16 people who intend to testify or comment on the 17 proposed rules or amendments? 18 After each person has testified or offered 19 comment, any member of the audience wishing to 20 question that person may do so after being recognized 21 by the Hearing Officer. Each person recognized to 22 speak shall identify him or herself for the record. 23 Questions will be limited to only clarifying 24 questions to the person who has offered testimony. 25 In asking clarifying questions, please be aware that	8 1 1.10.19 NMAC, Secured Containers; Exhibit 9, Proposed 2 amendments to 1.10.22 NMAC, Provisional Voting; 3 Exhibit 10, Integrated, new 1.10.22 NMAC, Provisional 4 Voting; Exhibit 11, Proposed amendments to 1.10.24 5 NMAC, Referendum Petition Procedures; Exhibit 12, 6 Integrated, new 1.10.24 NMAC, Referendum Petition 7 Procedures; Exhibit 13, Proposed amendments to 8 1.10.35 NMAC, Voter Record Systems; Exhibit 14, 9 Integrated, new 1.10.35 NMAC, Voter Record Systems; 10 and finally, Exhibit 15, Written comment received on 11 the proposed rules prior to today's hearing. 12 HEARING OFFICER BACHMAN: Although these 13 proposed exhibits have been available for inspection 14 before the hearing, is there any one member of the 15 public here who would like to inspect these exhibits 16 before I enter them into the official record? 17 Exhibits 1 through 15 are hereby admitted into the 18 record. 19 (Exhibits 1 through 15 admitted.) 20 HEARING OFFICER BACHMAN: Any persons 21 wishing to submit additional data, views, argument, 22 or testimony shall do so after they are recognized by 23 the Hearing Officer. Each document shall be 24 introduced as an exhibit into the record. Upon a 25 ruling of admissibility, each exhibit will be marked
7 1 this hearing is scheduled for four hours, and we need 2 to be respectful of everyone's time. This is a 3 public hearing intended to provide the public with an 4 opportunity to voice opinions on the proposed rule. 5 This public hearing is now open. Secretary 6 of State's Office, do you have any exhibits to 7 introduce into evidence at this time? 8 MS. VIGIL: Good morning. For the record, 9 my name is Mandy Vigil. I am the Election Director 10 with the Secretary of State's Office. And, 11 Ms. Bachman, I do have the following exhibits to 12 enter into evidence. 13 Exhibit 1, Notices of Rulemaking published 14 in the New Mexico Register June 27, 2023; Exhibit 2, 15 Postings of Notice of Rulemaking on the New Mexico 16 Sunshine Portal dated June 26, 2023; Exhibit No. 3, 17 Electronic correspondence sent regarding the Notice 18 of Rulemaking sent to interested parties and 19 Legislative Council Services dated June 26 and 27, 20 2023; Exhibit 4, Confirmation and correspondence of 21 posting on NM SOS website; Exhibit 5, Proposed 22 amendments to 1.10.12 NMAC, Absentee Voting; Exhibit 23 6, Integrated, new 1.10.12 NMAC, Absentee Voting; 24 Exhibit 7, Proposed amendments to 1.10.19 NMAC, 25 Secured Containers; Exhibit 8, Integrated, new	9 1 and numbered and entered into the record. 2 The proposed rule has been introduced and 3 entered into the record. I will now open the floor 4 to the audience for testimony and comments on each 5 part of the rule. The audience may ask clarifying 6 questions to each person after providing his or her 7 own testimony or commentary. One minute will be 8 allowed to respond to the posited clarifying 9 question. To begin with, may I see a show of 10 hands -- I've already done this. 11 At this time, we will call anyone wishing 12 to comment on the proposed rule, 1.10.12 NMAC, 13 Absentee Voting, Subsections 1.10.12.1 through 14 Subsection 1.10.12.10. At this time, we will call 15 anyone wishing to comment on the proposed rule, 16 1.10.12 NMAC, Absentee Voting, Subsections 1.10.12.1 17 through 1.10.12.10. 18 Seeing none, we will move on. 19 Please identify yourself for the record, 20 and please spell your first and last name. 21 MR. LOPEZ: Freddie Lopez, F-r-e-d-d-i-e, 22 L-o-p-e-z. 23 HEARING OFFICER BACHMAN: Thank you. You 24 have two minutes. 25 MR. LOPEZ: Thank you. I'm very grateful

10 1 and humble to be speaking in front of you this 2 morning. I want to comment on these proposed rule 3 changes. And the fact of the matter is, I am not in 4 favor of these proposed rules changes, and I'll 5 explain to you why. 6 I do believe that everyone who is an 7 eligible New Mexico citizen has the right to vote, 8 but you also have the right to know if your vote is 9 going to be secure. And frankly, these proposed 10 rules changes, I do not see that. Now, as far as 11 absentee ballots go, I believe absentee ballots 12 should be available for those who are active in the 13 military, who are disabled, or for those who cannot 14 make it to the polling place, and show legitimate 15 reason why they cannot be able to make it there. 16 Now, with these proposed rules changes -- 17 and frankly, because here's the thing -- there are 18 many Americans who -- especially New Mexicans, who do 19 not believe that our elections are secure. But 20 instead of addressing those issues and addressing 21 those concerns, we simply demean them, or we call 22 them names such as conspiracy theorists, election 23 denier, and just try to label them as words instead 24 of hearing what they have to say about these proposed 25 rules changes.	12 1 MS. CLEMENTS: This is Erin Clements. 2 HEARING OFFICER BACHMAN: Your microphone 3 is not on. 4 MS. CLEMENTS: Does spelling my name and 5 all that count in my two minutes? 6 HEARING OFFICER BACHMAN: No. 7 MS. CLEMENTS: Okay. It's Erin Clements, 8 E-r-i-n, C-l-e-m-e-n-t-s. 9 HEARING OFFICER BACHMAN: All right. You 10 may begin. 11 MS. CLEMENTS: I'm a life-long New Mexican 12 and a civil engineer of 19 years. I've been studying 13 the election system probably eight hours a day for 14 the last three years, and absentee ballots are by far 15 the easiest way to conduct a fraudulent election. 16 New Mexicans oppose the expansion of use of them, the 17 decrease in security and all that stuff. We oppose 18 drop boxes. But fundamentally, I'm here to tell you 19 today that that is somewhat irrelevant because the 20 election itself is currently being conducted 21 illegally, and I'll explain that to you two minutes 22 at a time throughout this hearing. 23 So I have shown a slide here that I got 24 from an internal training document that all the 25 clerks were given. I actually requested it from Ms.
11 1 And when it comes to this, it is a very 2 effective issue because a lot of people feel like 3 they are being disenfranchised because they believe 4 that their vote is not being secure. And with these 5 absentee new rule changes, I don't believe that's 6 going to happen. 7 Now, I know there are many folks here such 8 as -- just many folks here who could go into more 9 details about the absentee ballots. But the point 10 that I'm trying to make is simply that we want free, 11 fair elections, and we want every eligible New 12 Mexican be able to vote and be able to know that 13 their vote is going to be secure. 14 And there was a recent Rasmussen poll that 15 showed that a large number of Americans don't believe 16 that our elections are secure. I don't believe that 17 these large -- 18 HEARING OFFICER BACHMAN: Thank you very 19 much. Your time has expired. 20 I'll remind those in the audience that we 21 are requesting feedback specific to the rule in those 22 Subsections that I outlined earlier. 23 Please identify yourself for the record, if 24 you don't mind, and please spell your first and last 25 name. You have two minutes.	13 1 Bachman's -- 2 HEARING OFFICER BACHMAN: Ms. Clements, if 3 I may redirect you to give comment on the rule that 4 is -- 5 MS. CLEMENTS: This is fundamental to every 6 rule you're discussing today. 7 HEARING OFFICER BACHMAN: Ms. Clements, 8 please maintain the format that the rule hearing is 9 respectful for everyone in the audience, and I'm 10 asking you to please comment on the part -- 11 MS. CLEMENTS: Ms. Bachman, I drove four 12 hours to be here to tell you this today. This is my 13 opportunity to speak to the Secretary of State's 14 Office, as you said. This is my First Amendment 15 right. I'm reporting a crime actually, so I wouldn't 16 interfere with it -- 17 HEARING OFFICER BACHMAN: Ms. Clements -- 18 MS. CLEMENTS: -- if I was you. 19 HEARING OFFICER BACHMAN: Ms. Clements, my 20 role in this hearing is to make sure that the -- 21 MS. CLEMENTS: You're using my two minutes. 22 HEARING OFFICER BACHMAN: No, I'm not. 23 MS. CLEMENTS: This is an internal training 24 document I received from the Clerk's Office. I 25 requested it initially from her office, but it was

14 1 redacted, but I eventually did get it. Now, what 2 this is telling you is how County Clerks are 3 conducting elections in all 33 of our counties, and 4 I'm going to explain to you why it's illegal. 5 On the right, we have a SERVIS Komputer. 6 Most people are not familiar with that. The clerks 7 certainly are. On the left, we have a Dominion 8 Server. Everyone is familiar with Dominion. 9 Dominion is the tabulator provider. SERVIS is -- it 10 handles essentially everything to do with the 11 election except for touching the paper ballot. What 12 this slide is showing is that on election day -- 13 HEARING OFFICER BACHMAN: Ms. Clements, can 14 you please refine your comments to the rulemaking -- 15 MS. CLEMENTS: If you'll respect my First 16 Amendment right, Ms. Bachman, to complete my 17 comments. I have driven four hours to be here, I'm 18 going to drive four hours home with three kids, 19 stayed at a hotel. I need to explain to you how 20 you're conducting the election illegally. 21 HEARING OFFICER BACHMAN: I understand what 22 your perspective is, but my role here is to ensure a 23 fair hearing for everyone in the audience. If you 24 cannot do that, you will not be able to -- 25 MS. CLEMENTS: Two minutes at a time? I	16 1 HEARING OFFICER BACHMAN: If you could, I'm 2 going to state for the record that you have two 3 minutes starting now. 4 MS. GOOLSBY: Thank you very much. 5 I am here speaking on absentee voting. I 6 did send in and submit written comments. And it was 7 quite extensive, so I know that two minutes will not 8 take up that time. 9 But what I really wanted to emphasize is 10 the inconsistency within the rule, how we have 11 absentee in some places, absentee marked out in other 12 places. And I want to point out that the typical New 13 Mexican, the typical person in the United States, has 14 difficulty reading long, and reading rules anyway. 15 All of these, including the Constitution, are 16 supposed to be written on a level for people that 17 understand and be able to utilize. So I think that 18 this needs to be consistent so that the people 19 understand what the absentee vote is. Is it a mail 20 vote? Is it an absentee vote? Is it an absentee -- 21 is it an absent voter board? Is it in absentee voter 22 board? Definitions and terminology is extremely 23 important. 24 The other thing that I want to make sure of 25 and is addressed within the rulemaking on absentee
15 1 have two minutes. Every rule, I can speak for two 2 minutes? 3 HEARING OFFICER BACHMAN: You have to -- 4 MS. CLEMENTS: It will take me maybe 10 5 minutes -- 6 HEARING OFFICER BACHMAN: I'm asking you -- 7 MS. CLEMENTS: -- to explain that. I'll be 8 able to get it out throughout this -- 9 HEARING OFFICER BACHMAN: Ms. Clements, 10 please, I'm asking you to maintain -- 11 MS. CLEMENTS: She does this when she was 12 at the Dona Ana County Office as well. I actually 13 held up the ballot to her, and it had a mixture of 14 hand marks and paper and printed marks on it. And I 15 said, how did this happen? There were eight of 16 those. And as soon as -- 17 HEARING OFFICER BACHMAN: Ms. Clements, 18 your time is done. 19 MS. CLEMENTS: Okay. Well, I'll be back 20 for the next one. 21 HEARING OFFICER BACHMAN: All right. Can 22 you please identify yourself for the record, and 23 please spell your first and last name. 24 MS. GOOLSBY: Ramona Goolsby. R-a-m-o-n-a. 25 Goolsby is G-o-o-l-s-b-y. Thank you very much.	17 1 ballots is the signature verification, which we know 2 they technically can't do. They can just make sure 3 that it's signed because there is no database for 4 that. And the other part is the verification of the 5 last four, which we use that in the VA system to 6 identify patients. It's great. My problem comes 7 when the -- during the election process when 8 verification is suspended, and it has been. I have 9 documentation of that. 10 So I want to know within the rulemaking is 11 there a way to specify that the verification of 12 absentee ballots will not be suspended? 13 HEARING OFFICER BACHMAN: Ms. Goolsby, 14 we've reached the end of the two minutes for this 15 time. 16 MS. GOOLSBY: Thank you so much. The rest 17 of my comments you can read. 18 HEARING OFFICER BACHMAN: Would anyone in 19 the audience like to ask clarifying questions of 20 either of the speakers that have already presented 21 comment? 22 Please come to the podium. You have one 23 minute once you reach the podium, please introduce 24 yourself, and spell your name for the record. 25 MS. CASTILLO: Hi. My name is Annette

18 1 Castillo, A-n-n-e-t-t-e, C-a-s-t-i-l-l-o. 2 And I would like you-all to answer her 3 question for us, please. 4 HEARING OFFICER BACHMAN: Is there anyone 5 else who would like to ask a clarifying question of 6 the speaker? 7 MS. CLEMENTS: Erin Clements. 8 HEARING OFFICER BACHMAN: Please state your 9 name for the record and then spell it. 10 MS. CLEMENTS: Erin Clements. Do you want 11 me to spell it every time? 12 HEARING OFFICER BACHMAN: That's the 13 requested format for the hearing, please. 14 MS. CLEMENTS: E-r-i-n, C-l-e-m-e-n-t-s. 15 I'd like to ask, Ms. Goolsby, when you say, 16 "suspended verification," can you clarify exactly 17 what the Secretary of State did to suspend 18 verification during the last general election? 19 MS. GOOLSBY: Ramona Goolsby, R-a-m-o-n-a, 20 G-o-o-l-s-b-y. 21 HEARING OFFICER BACHMAN: Thank you. 22 MS. GOOLSBY: This pertains to Bernalillo 23 County specifically. During the absentee voting, 24 there are poll challengers, poll watchers that are 25 there, the AFSCME Board. And the poll watcher, I	20 1 R-o-b-e-r-t, Kwasny, K-w-a-s-n-y. 2 So every rule has an author, I would think. 3 I don't know if Ms. Goolsby knows who those authors 4 are, or if you know who those authors are. Were 5 these rules created in New Mexico, or were they 6 imported from Washington, D.C.? That's my biggest 7 question because they're written in a way that 8 resembles a lot of rules that are also popping up in 9 Arizona and other places. So I'm very curious about 10 authorship. 11 Do you know, Ms. Goolsby, who the author of 12 these are? 13 MS. GOOLSBY: I do not. 14 MR. KWASNY: She does not know. 15 If that's a minute, then I will move on to 16 the two-minute part. 17 HEARING OFFICER BACHMAN: Thank you. 18 MR. KWASNY: So now I would like to know if 19 you know. 20 HEARING OFFICER BACHMAN: Please proceed 21 with giving comment on the rule. 22 MR. KWASNY: Well, the rules -- the 23 interesting thing about this rule, the absentee voter 24 rule, is that it adds to another rule that you did 25 about a month ago, and that was the notary public
19 1 believe, stated that during all of the absentee 2 ballot verification, there were so many that they 3 suspended verifying date of births, and there was a 4 question about that. I can provide that 5 documentation -- not here because the people do need 6 their identity protected -- right at this point, but 7 I could provide it for you later. They were asked 8 not to verify date of births. Thank you. 9 HEARING OFFICER BACHMAN: Sir, are you 10 asking -- just for clarification, are you asking 11 clarification for the previous speaker, or are you 12 wanting to provide your own commentary? 13 MR. KWASNY: It will probably be a 14 combination of both, two minutes. 15 HEARING OFFICER BACHMAN: I'd prefer if -- 16 that way, you can one minute ask some clarifying 17 questions, and then the two minutes of your own. 18 MR. KWASNY: I'll have a question first, 19 and then my own comments. 20 HEARING OFFICER BACHMAN: Perfect. 21 Can you please state your first and last -- 22 MR. KWASNY: Sure. 23 HEARING OFFICER BACHMAN: -- name, and 24 spell it for the record? 25 MR. KWASNY: Yeah. Robert Kwasny. Robert,	21 1 rule. I've been a notary public twice, and the way 2 that rule is written, it feeds into this one. And 3 you can have unlimited notaries that don't even live 4 in New Mexico that cross the border for a few minutes 5 to be able to dial and access all of the records of 6 the people of New Mexico with state-funded research 7 tools in order to make the absentee ballot situation 8 in a rural community like New Mexico far more 9 effective for voter fraud. So I'm very concerned 10 about the compounding of rules, the rule of unlimited 11 number of notary publics. 12 How many notary publics does New Mexico 13 need? Four? You've got a rule that says it could be 14 unlimited, and that people from out of state can come 15 in and serve. All they have to do is cross the 16 border and be in New Mexico when that happens, and 17 this absentee voter problem becomes an out-of-control 18 national embarrassment, and I don't want that to 19 happen. Thank you. 20 HEARING OFFICER BACHMAN: All right. Are 21 there any more comments on the specific subsections 22 that I outlined earlier, .1 through .10? 23 MR. LOPEZ: I have a question then. 24 HEARING OFFICER BACHMAN: A clarifying 25 question?

22 1 MR. LOPEZ: Yes. 2 HEARING OFFICER BACHMAN: Yes, sir. 3 MR. LOPEZ: Yes, I do. 4 HEARING OFFICER BACHMAN: Please state your 5 name for the record. 6 MR. LOPEZ: Freddie Lopez, F-r-e-d-d-i-e, 7 L-o-p-e-z. 8 So my question here is on 1-10-22.7.B, 9 alternative voting location, which it states here -- 10 this is a question for the speaker Erin Clements. It 11 says here, "The definition of 'alternative voting 12 location' means the location outside the Office of 13 the County Clerk established by the County Clerk 14 where a voter can cast an early in-person ballot on a 15 voting tabulator. This includes mobile alternate 16 voting locations." 17 So when I read that, I'm like, what do you 18 mean by "alternate voting locations"? It's like, is 19 that drop boxes, or what does that mean? And, Erin, 20 I would like to ask you a question. What does that 21 mean? 22 MS. CLEMENTS: My understanding from 23 reading the statutes is that drop boxes do count as 24 voting locations. And so when the Secretary of State 25 says all these counties shall have so many drop boxes	24 1 absentee ballots were injected into the stream 2 illegally. 3 In fact, in Dona Ana County, I have a 4 picture of a box. It's not marked correctly to be a 5 drop box, it's not marked correctly to be a polling 6 place. Yet when you look in the slot in the side, it 7 was filled to the brim with absentee ballots and I 8 think it had a couple thousand ballots in it at 9 least, which is more votes than some counties even 10 cast in their entire county. 11 So we have massive concern about drop boxes 12 and their security because they're not secure. And, 13 in fact, they don't even have to be put in a drop box 14 for them to be counted. 15 HEARING OFFICER BACHMAN: All right. 16 Sir -- 17 MR. MARKER: I have a question. 18 HEARING OFFICER BACHMAN: Sure. 19 MR. MARKER: Okay. Larry Marker, 20 L-a-r-r-y -- 21 HEARING OFFICER BACHMAN: Mr. Marker, is 22 your question of the -- are you asking a clarifying 23 question of a previous speaker? 24 MR. MARKER: Well, actually, I'm going to 25 ask, you've estimated four hours to go through all of
23 1 in their county, she is setting a voting location, 2 which the statutes -- according to the statutes, 3 that's the power of the County Commission. I'm not 4 sure if that answers your question. But yes, 5 anyplace you cast a ballot is a voting location. 6 MR. LOPEZ: Okay. And so how do we know 7 that these drop boxes -- these alternate voting 8 locations are secure? How do we know that? 9 HEARING OFFICER BACHMAN: Mr. Lopez, and 10 Ms. Clements, each time you come to the podium, 11 please state your name. 12 In addition, we need to move on to and be 13 respectful of the rest of the time in the hearing on 14 the other related questions. I know that you likely 15 have feedback on those, so please keep the question 16 to the last one on these subsections, and then we'll 17 move on. 18 MR. LOPEZ: All right, ma'am. 19 So it's Freddie Lopez, F-r-e-d-d-i-e, 20 L-o-p-e-z. 21 MS. CLEMENTS: His question was, how do we 22 know that they're secure? I think that is the issue. 23 That's why so many of us are here today is we don't 24 believe our elections are being held securely. 25 There's ample evidence that massive numbers of	25 1 this. Is that even possible -- 2 HEARING OFFICER BACHMAN: It will be 3 possible, sir, yes. That's the purpose of the 4 hearing today. 5 MR. MARKER: -- for you to do a thorough, 6 proper job? 7 Larry Marker, L-a-r-r-y, M-a-r-k-e-r. Can 8 we do a thorough job in four hours of this whole -- 9 HEARING OFFICER BACHMAN: Yes, sir, we will 10 be moving on now to the next subsections now 11 actually. 12 MR. MARKER: Okay. Well, I think we are 13 going to have a hard time getting through this in 14 four hours. Can we go ahead and schedule some more 15 hearings, or is this it? 16 HEARING OFFICER BACHMAN: The hearing will 17 conclude today at 1:00 p.m. 18 MR. MARKER: And this is all? 19 HEARING OFFICER BACHMAN: Yes, sir. 20 MR. MARKER: From here on out? 21 HEARING OFFICER BACHMAN: Yes, sir. 22 MR. MARKER: Okay. Thank you. 23 HEARING OFFICER BACHMAN: No problem. 24 At this time, we are going to call anyone 25 wishing to comment on the proposed rule, 1.10.12

26 1 NMAC, Absentee Voting, Subsections 1.10.12.11 through 2 1.10.12.20. 3 If you could please state your name for the 4 record and spell it, please. 5 MS. GIRON: Good morning. My name is 6 Janice Giron, J-a-n-i-c-e, G-i-r-o-n. I am here 7 representing the Dona Ana County Clerk's office, and 8 I speak neither in opposition or in support of the 9 bill or the rule. 10 I just found what may be a contradiction in 11 Section 1-12 -- 1.10.12.11 in Section B2. It states 12 that, "Challengers, watchers, or observers shall not 13 violate the" permitted or -- "prohibited provisions 14 as outlined in the election." (Inaudible) "Sections 15 1-2-23, 1-2-29, 1-2-25, 1-2-31, and 1-2-32. If a 16 violation occurs, the incident shall be documented in 17 reasonable detail by the election board on a form 18 prescribed by the Secretary of State and retained by 19 the County Clerk pursuant to Subsection C of Section 20 1-2-22, an election board unanimously votes to remove 21 challenger, watcher, or observer as a result of a 22 violation shall assign and record the vote of the 23 board in violation form." 24 However, in Senate Bill 180, it states that 25 the PJ and election judges vote to remove the person.	28 1 So, again, when I look at this alternate 2 voting locations which can be declared by the County 3 Clerk, and I look at the previous rule that I believe 4 is compounding into this one to create the biggest 5 voter fraud mechanism in the United States. The idea 6 of having unlimited notaries that have access to 7 state-funded research tools that give every bit of 8 background of every citizen of New Mexico, researched 9 by people that are not New Mexican in an unlimited 10 fashion for unlimited locations, you're saying in 11 1.10.12.11, that every kitchen table is an alternate 12 voting location that can be supported by a notary 13 that doesn't live here, goes through a \$75 course, 14 and there could be thousands of them. There are no 15 limitations on this. 16 This is voter fraud. This is Democrat -- 17 93 years of Democrat rule codifying voter fraud in 18 the worst possible way. It's a national 19 embarrassment, and this isn't going to stand. Who 20 are the authors? I asked you last time. You got 30 21 seconds to tell me who the authors of this are, and I 22 would really like to know. 23 HEARING OFFICER BACHMAN: I respect that 24 you are wanting an answer to that question. The 25 purpose of the hearing, though, is for the public to
27 1 So, you know, we're just wondering is it a unanimous 2 vote of the whole board, or is it just the PJ or 3 election judges? 4 And then 1.10.12.9, Section B and 1A, it 5 states to leave the results tape connected to the 6 tabulator. But then in B, it says, "Deliver the 7 results to voting tech for delivery to the County 8 Clerk." It says, "To leave the results tape attached 9 to the tabulator." But then in B it says, "To 10 deliver the result tape to the voting tech for 11 delivery." 12 HEARING OFFICER BACHMAN: All right. Your 13 time is up. 14 MS. GIRON: Thank you. 15 HEARING OFFICER BACHMAN: Again, at this 16 time we are receiving comments from everyone wishing 17 to comment on the proposed rule, rule 1.10.12 NMAC, 18 Absentee Voting, Subsections 1.10.12.11 and 19 1.10.12.20. 20 Please state your name for the record. 21 MR. KWASNY: Robert Kwasny. R-o-b-e-r-t, 22 K-w-a-s-n-y. 23 HEARING OFFICER BACHMAN: You have two 24 minutes. 25 MR. KWASNY: Thank you.	29 1 provide comment. We won't be answering questions for 2 you today. 3 MR. KWASNY: The comment is, who are the 4 authors? And if we have to line up everybody in this 5 room until we find out who the authors of this are, 6 they all have a minute a piece. Who are the authors? 7 Did it come from D.C.? Did it come from D.C., or did 8 it come from New Mexico? 9 HEARING OFFICER BACHMAN: Your time has 10 concluded. 11 MR. KWASNY: There will be more. Thank 12 you. 13 HEARING OFFICER BACHMAN: Is there anyone 14 else in the audience wishing to comment on 1.10.12.11 15 through 1.10.12.20? 16 Please state your name, and spell your name 17 for the record. 18 MS. GOOLSBY: Yes. Thank you. Ramona 19 Goolsby, R-a-m-o-n-a, G-o-o-l-s-b-y. 20 On 1-10-12-11, just for point of 21 clarification, shouldn't it state that they are 22 established by the County Clerk and approved by 23 resolution of the County Commission as consistency in 24 making sure the rule states that there are other 25 parties involved in that?

30 1 Also, again, the terminology goes back and 2 forth and back and forth, and I believe I've already 3 highlighted all of that for you guys. 4 On 1-10-12.5-2, is it just the County 5 Clerk, or does it need to state County Clerk or 6 appointed staff? That's another thing that has come 7 up, especially in Sandoval County. It says, "County 8 Clerk shall certify machines." When we look at the 9 certification, the County Clerk did not sign any 10 certifications. She said she had the authority to 11 have others sign that. That's fine, if she's going 12 to designate that authority. But within the rules, 13 the authority needs to be noted if it can be 14 designated. 15 It is still 1.10.12.5. On down, Section 5, 16 "Lawfully Appointed Challengers." It says to ensure 17 elections are secure and transparent, that they are 18 not allowed to take pictures or copies of documents 19 that show possible problems. 20 HEARING OFFICER BACHMAN: If you could, 21 please conclude your remarks. We're at two minutes. 22 MS. GOOLSBY: Thank you. 23 What form of documentation will they be 24 allowed to do? Thank you. 25 HEARING OFFICER BACHMAN: Please state your	32 1 handled by a person, not an electronic tabulator. 2 And if we go by -- you know, because I can 3 tell you, New Mexicans can count. We can count. If 4 you could count from one to 10, you could easily 5 count ballots, especially as a poll worker. I don't 6 agree with the use of voting tabulators, especially 7 for the entire early voting period. So in my 8 opinion, we shouldn't be using voting tabulators. We 9 should be using hand counting because, yes, anything 10 can be manipulated, but there is a chance if it's 11 manipulated, we can find out how it's manipulated and 12 get to the bottom of the right way. With voting 13 tabulators, somebody could easily just delete it. So 14 that's just what I have to say. 15 HEARING OFFICER BACHMAN: Please state your 16 name and spell it for the record. 17 MS. CLEMENTS: Erin Clements, E-r-i-n, 18 C-l-e-m-e-n-t-s. 19 My next set of comments actually ties in 20 really well with what Freddie just said because on 21 election night after you take the memory stick out of 22 those tabulators, your early voting tabulators, your 23 absentee ballot tabulators, your election day 24 tabulators, you put them in the Dominion server. 25 This is all according to the Secretary of State's own
31 1 name for the record and spell it. 2 MR. LOPEZ: Freddie Lopez, F-r-e-d-d-i-e, 3 L-o-p-e-z. 4 HEARING OFFICER BACHMAN: You have two 5 minutes. 6 MR. LOPEZ: Thank you, ma'am. 7 So I wanted to direct your attention to 8 1-10-12-12-B where it says here, "A voting tabulator 9 shall be used for the entire early voting period for 10 the casting of ballots." My question is simply that 11 why are we relying so much on electronic tabulators 12 to count our ballots? Why are we using voting 13 tabulators because anyone who is into technology, 14 anything remotely electronic has the ability to be 15 manipulated? 16 So when it comes to our right to vote, 17 which is one of our God-given rights, with something 18 that could easily have manipulations? Why are we 19 using calculators for this particular process? And 20 frankly, it's like why don't we just use -- 21 especially for early voting, you know, many people do 22 vote early -- but the use of tabulators for the 23 entire voting period, and no one is counting these by 24 hand, none of the poll workers or anything like that. 25 I believe when it comes to our ballots, it should be	33 1 guidance document. It's put into the Dominion server 2 for just a few minutes, and then she takes a -- she 3 directs the clerks to take a USB stick, which is 4 provided by herself or her vendors, to the clerks, 5 they stick it in the Dominion tabulator, and they 6 download everything onto that USB stick. 7 Now, I want to spend just a second talking 8 about USB sticks. Most companies who care about 9 security don't even use them anymore because they're 10 inherently insecure, yet we are putting all of our 11 official election results on a USB stick which has 12 been handled by third parties before the clerk gets 13 ahold of it. So if she really wanted a secure as 14 possible USB stick, what the clerks would do is they 15 would go to Walmart the morning of the election, they 16 would buy a random one off the shelf that they know 17 hasn't been tampered with, but we are using 18 completely insecure USB sticks. We download all of 19 our official election results on that USB stick. 20 It's not actually processed -- the election 21 isn't actually processed on the Dominion server. 22 That USB stick is taken over here to a SERVIS 23 Komputer. 24 Now, the SERVIS Komputer is internet 25 connected. SERVIS itself is hosted on the cloud. It

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1 is accessible to the internet. All of our official
2 election results and the election reporting file get
3 put over here in the SERVIS Komputer, which is on the
4 internet. So that is when our election is actually
5 processed on the internet.

6 Now, SERVIS is a state-specific version of
7 a software called TotalVote, which is made by BPro.
8 The thing you need to know about SERVIS is it's not
9 certified, yet we are processing our entire election
10 on SERVIS.

11 HEARING OFFICER BACHMAN: If you could,
12 please, conclude your comments.

13 MS. CLEMENTS: I will. I'm not concluded,
14 but I'll pause here in just a second.

15 HAVA requires these tasks be done on
16 certified software, and it's not being done on
17 certified software. I will continue later.

18 HEARING OFFICER BACHMAN: If you could,
19 please state your name for the record and provide a
20 spelling for the court reporter.

21 MS. DERRICK: Sure. Good morning. My name
22 is Leanna Derrick, L-e-a-n-n-a, D-e-r-r-i-c-k.

23 HEARING OFFICER BACHMAN: You have two
24 minutes.

25 MS. DERRICK: Hi there. I'm a resident of

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1 Bernalillo County, and also a tribal member of the
2 Navajo Nation. My concern is about the Native
3 Americans and electronic voting systems. Speaking as
4 maybe the only Native American in this room, what I
5 would like to say about the infrastructure of that is
6 I believe that's the government reaching into our
7 tribal boundaries, that it should be a service done
8 by our people, for our people, and not have the
9 government of New Mexico overreach into our sovereign
10 nation.

11 What concerns me about electronic voting
12 systems is that on the Navajo Reservation, there is
13 lack of infrastructure, particularly internet
14 infrastructure. So the type of -- what this
15 procedure is telling me is that that infrastructure
16 that's being put in is strictly for voting and not
17 for issues of education and things that actually are
18 for the entire population, only for the issue of
19 electronic voting, which only benefits the State of
20 New Mexico.

21 It doesn't benefit the Navajo Nation.
22 That's not something that translates into the Navajo
23 Nation for their people to use at their discretion.
24 This is for the State of New Mexico to use those
25 votes to tabulate.

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1 Now, that infrastructure has to come at a
2 cost to all New Mexicans. That infrastructure is
3 only going to serve a certain portion of a certain
4 people. That concerns me about electronic voting.
5 And with that, there aren't enough people in that
6 structure that understand this technology well enough
7 to debate upon it, and I think it should be open to
8 those folks, to my people. Thank you.

9 HEARING OFFICER BACHMAN: All right. So we
10 will take three members of the audience who request
11 to ask clarifying questions of those speakers, and
12 then we will be moving on to the next rule.

13 So are there three folks in the audience
14 that would like to make -- to ask clarifying
15 questions of the speakers?

16 STATE SENATOR GALLEGOS: Thank you. I'm
17 State Senator David Gallegos from District 41, and I
18 apologize. I did not get the young lady's name from
19 Dona Ana, and I have a question specifically to her.
20 She was talking about 1-10-12 -- .12.11, Paragraph
21 B2.

22 And what I'm trying to find out is what the
23 difference of electronic status versus a change in
24 what they would do in Dona Ana because I understand,
25 statewide we have problems with the poll watchers in

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1 different parts of the process. I'm wondering if she
2 could clarify, from her point of view, what you're
3 going to do to her county, if anything.

4 HEARING OFFICER BACHMAN: Ms. Giron, one
5 minute.

6 MS. GIRON: My name is Janice Giron,
7 J-a-n-i-c-e, G-i-r-o-n.

8 I'm not -- what I'm hearing is that you're
9 asking my opinion of what the Secretary of State's
10 rule is going to -- the effect that it's going to
11 have on my county?

12 STATE SENATOR GALLEGOS: Correct, yes.

13 MS. GIRON: I would rather honestly not
14 give my personal opinion of what may or may not
15 happen in my county pertaining to the rules that the
16 Secretary of State is proposing.

17 STATE SENATOR GALLEGOS: Can I do a
18 follow-up question?

19 HEARING OFFICER BACHMAN: Yes.

20 STATE SENATOR GALLEGOS: Okay. If you
21 don't want to give an opinion, then why did you bring
22 up the discrepancy between what's current and what's
23 proposed?

24 MS. GIRON: I'm not concerned with the past
25 rule. I'm concerned with the fact that there's a

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1 contradiction between the Senate Bill and the rule.
2 So we just need clarification so that we know how to
3 proceed in our county. If there happens to be some
4 sort of issue with a challenger or a watcher, does it
5 need to be a unanimous vote of the board, or just the
6 presiding judge and the actual judges?

7 STATE SENATOR GALLEGOS: Thank you. And I
8 guess my concern was how hard is it to get a
9 unanimous vote versus a --

10 COURT REPORTER: I didn't hear what you
11 said, sir.

12 HEARING OFFICER BACHMAN: If you could
13 repeat your question into the microphone.

14 STATE SENATOR GALLEGOS: And then I'll go
15 on because -- and I appreciate that.

16 But my next question I want to direct to
17 you. They're talking about the authors. Is there
18 anything through legislative access that I could
19 receive the authors' names of the ordinances, the
20 changes, and/or is that something that I would need
21 to IPRA?

22 HEARING OFFICER BACHMAN: Again, for the
23 purposes of this hearing, we're not engaging in
24 answering questions related to the process. However,
25 the rulemaking process is spelled out in state

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1 statute and rule. There is language that's worked on
2 internally within the Secretary of State's Office to
3 align with recent legislation that passed in the
4 session. And so if that helps clarify for the
5 purposes of that specific question, but moving
6 forward we really need to stick to the purposes of
7 the hearing, which are to discuss the rule elements
8 themselves.

9 But for that question, the way the
10 rulemaking process works is the agency works on
11 language internally, and then it's put forth to the
12 public for feedback, and that's why we're here today
13 is part of that process.

14 STATE SENATOR GALLEGOS: I'll take that. I
15 appreciate it, but it seems to be a 180 because it
16 appears to be statewide. But I will deal with that,
17 and I'll get an IPRA. Thank you.

18 HEARING OFFICER BACHMAN: All right. We're
19 going to move on now. Public comment on Part 1.10.12
20 NMAC --

21 MR. KWASNY: You said we would have
22 comments from three people.

23 HEARING OFFICER BACHMAN: We entertained
24 three quick clarifying questions from the senator.
25 If there are additional --

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1 MR. KWASNY: You said three people.

2 HEARING OFFICER BACHMAN: I said three
3 clarifying questions. We must maintain the
4 timelines. We are moving on. So public comment on
5 1.10.12 NMAC has now concluded.

6 At this time, we call on anyone wishing to
7 comment on 1.10.19 NMAC, Secured Containers. We are
8 going to Subsections .1 through Subsections .7. So
9 if is there any comments specific to those sections,
10 you're invited to come to the podium and provide me
11 that.

12 Please state your name for the record.

13 MS. CLEMENTS: Erin Clements, E-r-i-n,
14 C-l-e-m-e-n-t-s.

15 HEARING OFFICER BACHMAN: Thank you. You
16 have two minutes.

17 MS. CLEMENTS: We were over here on the
18 SERVIS Komputer where we put our entire official
19 election results and the election reporting. We have
20 covered the fact that SERVIS is not certified
21 software that requires you to do those functions on
22 certified software. You must create an auditable
23 trail on certified software, yet all of the canvas is
24 being done over here. I have -- I don't know --
25 dozens of e-mails of, you know, I'm sure this is how

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1 it's being done.

2 Something else that's illegal about this is
3 the election night reporting file and the official
4 election results are both on a single piece of
5 software. Now, HAVA is extremely clear. They don't
6 have a lot to say about election night reporting
7 outside that it must be accurate, and it must not be
8 commingled with official election results, yet both
9 of those files are right here on the SERVIS Komputer
10 on the internet on the cloud.

11 Now, SERVIS isn't just used in the County
12 Clerk's Office. SERVIS is also used to register
13 voters. That means that every DMV, every state
14 agency that registers voters has full access to
15 SERVIS, which, again, is on the internet, which,
16 again, can be -- it's actually updated by something
17 called an API that's like a plug-in. So they can be
18 updated by the vendor, it could be updated by a bad
19 actor, it could be updated by any one of the
20 thousands of people that have access to this
21 software.

22 So all of that is completely illegal. It's
23 completely insecure. It makes all this attention to
24 rules seem kind of silly when the whole election is
25 exposed to the internet, and I'll -- that's a good

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1 place for me to stop. I'll continue later.

2 HEARING OFFICER BACHMAN: Is there someone
3 else who would like to comment on 1.10.19, Sections 1
4 through 7? Can you please state your name and spell
5 it for the court reporter.

6 MS. GOOLSBY: Yes. Ramona, R-a-m-o-n-a,
7 Goolsby, G-o-o-l-s-b-y. And I'm just clarifying up
8 here. You are doing basically just the definitions
9 at this point?

10 HEARING OFFICER BACHMAN: We're doing
11 through Section 7.

12 MS. GOOLSBY: Through Section 7. I'm
13 having a hard time figuring out exactly.

14 HEARING OFFICER BACHMAN: Through the
15 definitions.

16 MS. GOOLSBY: Through the definitions. So
17 we're doing definitions only now. Thank you so much.
18 I have no comment on the definitions.

19 HEARING OFFICER BACHMAN: Please state your
20 name and spell it for the court reporter.

21 MR. LOPEZ: Thank you. Freddie Lopez,
22 F-r-e-d-d-i-e, L-o-p-e-z.

23 So this is just on the definitions from
24 1-10-19-1 all the way through 7?

25 HEARING OFFICER BACHMAN: It's for part

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1 1.10.19, so .1 through .7.

2 MR. LOPEZ: .1 through .7.

3 HEARING OFFICER BACHMAN: So through the
4 definitions.

5 MR. LOPEZ: Okay. So for these definitions
6 for the scope, this is -- I might be a little
7 confused. You can correct me if I'm wrong. So
8 basically, these definitions for statutory authority,
9 that would just be -- it seems to me this is all
10 being done by the Secretary of State; correct? Like
11 all of this is being done by the Secretary of State.

12 I feel like when it comes to these
13 particular definitions, especially on secured
14 containers, in my personal opinion for these secured
15 containers, it seems like many of these secured
16 containers -- and I don't want to go off from 1 all
17 the way to 7 -- but many of these, you know, drop
18 boxes or secured containers you would like to say
19 were implemented during COVID when everything was
20 shut down, and we wanted to make sure everyone was
21 safe, and things like that, but it seems like we are
22 just expanding these out of that emergency.

23 So I understand the need for emergency, but
24 to keep extending through the rules like we have done
25 with what we've seen with SB-180, and I know Senator

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1 Gallegos voted against that, and he knows all about
2 it. But I'm just saying I don't know if this is a
3 good idea to just extend rules that we put in place
4 for COVID and instead of just having it because we
5 are no longer in emergency. So I'm not sure there's
6 a need for having these secured containers,
7 especially if they're outside of the polling place.
8 So that is just my opinion on that.

9 HEARING OFFICER BACHMAN: Please state your
10 name for the record and spell it for the court
11 reporter.

12 MR. KWASNY: Robert Kwasny, R-o-b-e-r-t,
13 K-w-a-s-n-y.

14 HEARING OFFICER BACHMAN: Thank you. You
15 have two minutes.

16 MR. KWASNY: You betcha.

17 We're talking about definitions. There's a
18 failed flaw in all of your rules. I attended the
19 meeting on the certification of Dominion machines,
20 and I asked the man who is in charge of four states
21 and that has worked for Dominion for 20 years. We
22 weren't allowed to talk at that meeting, so I had to
23 wait until the meeting was adjourned. And I went up
24 to the chairperson. I said, why did you certify
25 these machines when the Dominion man would not even

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1 give you the definition of what his encryption is?

2 So you have words like "secure," and you
3 have words like "encryption." And I've been doing
4 computer science since -- well, 47 years, and so I
5 know a lot about this. And it turns out that none of
6 this is secure, so you can't even use the word
7 "secure." You can't even use the "encryption"
8 because let me tell you what the "encryption" is.
9 It's pseudo random-generated encryption. "Pseudo"
10 means that if I give you a number, and you generate
11 the keys for all of this encryption, and she gives
12 you that same number, all of these memory sticks can
13 be created with the pseudo random encryption
14 generation because she gave you that base number, and
15 you used that base number, and you gave her a base
16 number, and all of you can completely change the
17 elective process in New Mexico. It is not secure.

18 So take the word "secure" out of all of
19 these rules, take the word "encryption" out of all of
20 these rules because they are neither of those things.

21 HEARING OFFICER BACHMAN: Please conclude
22 your comments. Your two minutes is almost up.

23 MR. KWASNY: Well, I think I just did.
24 Thank you.

25 HEARING OFFICER BACHMAN: And, again, if

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1 you could state your name for the record and spell it
2 for the court reporter.

3 MS. DERRICK: Good morning. Leanna
4 Derrick. L-e-a-n-n-a, D-e-r-r-i-c-k.

5 HEARING OFFICER BACHMAN: You have two
6 minutes.

7 MS. DERRICK: In regards to the vocabulary,
8 I see an imbalance in the Secretary of State's
9 approach to putting forth the imbalances actually
10 that we've got vocabulary that's actually new to a
11 lot of New Mexicans. Being an educator, one of the
12 things I see is that there seems to be an
13 overemphasis and work done to simplify voting
14 machines or tabulators, electronic devices, and yet,
15 here we are bound with creating a whole new
16 vernacular, a whole new set of vocabulary to
17 accommodate that. It's progressing towards that, but
18 it was really apparent to me this year as an
19 educator.

20 And I would like to propose for the
21 Secretary of State to also make sure that you are
22 promoting education on these new terms so that all
23 New Mexicans can be equal and to understand and
24 identify the new voter system. The reason I say
25 "new" is because it's different than the old, which

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1 was hand counting. Apparently, there's a desire to
2 update the technology. Therefore, we have to update
3 the vernacular and education. So I'm going to be
4 pushing for that. So please hear that. Hire me. I
5 would be happy to educate voters.

6 HEARING OFFICER BACHMAN: All right. If
7 you could please state your name and spell it for the
8 court reporter.

9 MR. CIONELO: My name is Geraldo Cionelo,
10 G-e-r-a-l-d-o, C-i-o-n-e-l-o.

11 And first of all, I just want you to know
12 I'm a naturalized American citizen, and I did it
13 legally. I waited nine years just to have the
14 privilege to become an American citizen, and others
15 are getting in illegally, and we should be following
16 the law.

17 And so practically in all sense, and
18 earlier, you mentioned that in 1.10.12, the beginning
19 of Section A says, "Each certified voting tabulator,"
20 just everything practically, and now we're talking
21 about the definitions. I wonder why is that
22 definition in there, "certified tabulator," certified
23 by itself. From my understanding, every one of these
24 machines -- correct me if I'm wrong -- and I would
25 appreciate if there's proof of that -- is each and

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1 every one of those tabulators certified? And if
2 there is, can you please provide proof of those
3 tabulators -- or each of those tabulations? Thank
4 you.

5 HEARING OFFICER BACHMAN: Is there anyone
6 wishing to provide further comment on .13.7 of part
7 1.10.19? We'll take three clarifying questions, if
8 there are any, for those speakers who just gave
9 feedback on that -- on those subsections.

10 Seeing none, at this time we will call
11 anyone wishing to comment on the proposed rule --

12 MS. GOOLSBY: We have somebody.

13 HEARING OFFICER BACHMAN: Oh, okay.
14 There's one minute per question and answer.

15 MS. DERRICK: Leanna Derrick, L-e-a-n-n-a,
16 D-e-r-r-i-c-k.

17 Is it just one question at a time, or how
18 do you propose to do that?

19 HEARING OFFICER BACHMAN: If you would like
20 to ask three, you may.

21 MS. DERRICK: Okay. Who is the individual
22 that determines the vocabulary that you're going to
23 use?

24 HEARING OFFICER BACHMAN: So let me
25 clarify. The clarifying questions are for the

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1 previous speaker. So if you have clarifying
2 questions of the comments that were provided, you may
3 ask these, but the purpose of this hearing is not for
4 us to answer questions. It's for us to receive
5 feedback from the public.

6 MS. DERRICK: Okay. To pinpoint that,
7 could you please repeat what the topic was since we
8 moved?

9 HEARING OFFICER BACHMAN: Do you have
10 clarifying questions for a previous speaker?

11 MS. DERRICK: I do, but I just need to know
12 so I'm on point.

13 HEARING OFFICER BACHMAN: I'm confused.

14 MS. DERRICK: Yeah, I am, too. So if an
15 educated person is asking for clarification, and you
16 can't provide it, and you're confused --

17 HEARING OFFICER BACHMAN: Sure.

18 MS. DERRICK: -- I'm an audience member. I
19 expect you to be the leader and most knowledgeable
20 here on the floor. So please --

21 HEARING OFFICER BACHMAN: So do you have a
22 clarifying question of a previous speaker?

23 MS. DERRICK: Well, yes, myself.

24 HEARING OFFICER BACHMAN: Okay.

25 MS. DERRICK: So my clarifying question, I

50 1 guess, is going back to the vocabulary. Who 2 determines the vocabulary? Who is the author of the 3 vocabulary? Who determines what verbs, what the 4 naming of these new terms are? Who does the ballot 5 marking system, for example? Who determined that? 6 Who is the individual responsible for that? 7 HEARING OFFICER BACHMAN: Again, the 8 question should be directed to a previous speaker. 9 We are not answering questions as part of this rule 10 hearing. The purpose of the rule hearing is to 11 provide public comment, and then there's an 12 opportunity to ask a clarifying question. 13 MS. DERRICK: Oh, okay. Then I would like 14 to talk -- yes, actually, now I understand. 15 HEARING OFFICER BACHMAN: So at this time, 16 please ask one question, and then we need to move on. 17 MS. DERRICK: Erin, you made a clarifying 18 point. Would you please elucidate on that, please? 19 MS. CLEMENTS: So you're asking where the 20 terminology comes from surrounding the elections and 21 stuff and the statutes and stuff? 22 MS. DERRICK: Yes, that's right. 23 MS. CLEMENTS: And I think I'd say it 24 probably all originated with the -- 25 COURT REPORTER: I can't hear you. Could	52 1 MS. DERRICK: Thank you. 2 And thank you. 3 HEARING OFFICER BACHMAN: Thank you very 4 much. 5 We're going to move on to 1.10.19.8 through 6 1.10.19.14. If there's anyone wishing to speak 7 please line up over here, and then the first person 8 may proceed to the podium. 9 Please identify yourself for the record and 10 spell your name for the court reporter. 11 MS. GOOLSBY: Ramona Goolsby, R-a-m-o-n-a, 12 G-o-o-l-s-b-y. 13 HEARING OFFICER BACHMAN: Thank you. You 14 have two minutes. 15 MS. GOOLSBY: 1.10.19.9, Section A, will 16 the Secretary of State be providing for 17 procurement -- have procurement providing an approved 18 list of secured container providers for the clerks? 19 I think that should be stated in there, that that 20 list will be available. That's Section A. 21 Section B, is the Secretary of State 22 funding the network costs required for these 23 particular containers? And when you make rules, if 24 there are costs that have to be covered, from what I 25 have read, that it has to state the rules that
51 1 you start again, please? 2 MS. CLEMENTS: The term "ballot marking 3 device" comes from how the -- I mean, all of those 4 things were -- the electronic voting system probably 5 began to be developed in the early 2000s, and it was 6 codified. That's where a lot of the definitions came 7 from. They wrote some subsequent documentation, what 8 is called the voluntary voting system with outlines 9 in it. It defines all those things in there. 10 HEARING OFFICER BACHMAN: Ma'am, we're 11 going to move on. I will allow one more question, 12 but this exchange has gone on long enough, and we 13 need to move on to the next rule. 14 MS. DERRICK: That would be my fault. 15 You made a point earlier, and it was a very 16 good point. Could you please expand on that? 17 MS. CLEMENTS: I'm talking about 18 fundamentally, our elections aren't being conducted 19 legally, as it is. And so, I mean, all of this stuff 20 we're talking about today, when you expose the entire 21 election to the internet, and you tell people things 22 aren't connected to the internet, and you're doing it 23 on uncertified software, and you're violating 24 (inaudible) and State and Federal law all over the 25 place. That's my main point.	53 1 they're going to be covered. If they're going to be 2 covered, we need to make sure for the counties that 3 that is listed in the rules. 4 My other clarification and question as far 5 as all of this, are these secured containers owned by 6 the Secretary of State, or are they property of the 7 county? When I read the rules on that, I believe the 8 counties are the ones that are supposed to be paying 9 for it, but the Secretary of State has access or 10 keeps access to the keys. She's the one that gets 11 notified if anything happens. I would think that 12 that would all be a county function, not necessarily 13 a State function. 14 I'm dropping down to F. It says, "The 15 County Clerk shall contact the Secretary of State 16 with security and operational concerns immediately." 17 Instead of contacting the Secretary of State, I think 18 it should be advisable that they report it to the 19 county and to the county IT since we're dealing with 20 electronics, the local police authority, and -- 21 HEARING OFFICER BACHMAN: If you could 22 conclude your comments. 23 MS. GOOLSBY: Right. And my other concern 24 is the vagueness on some of the Section 1.10.19.14. 25 Thank you.

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1 HEARING OFFICER BACHMAN: Is there anyone
2 else wishing to speak on .8 through .14 of 1.10.19
3 NMAC? Please state your name for the record and
4 spell it for the court reporter.

5 MS. CLEMENTS: Erin Clements, E-r-i-n,
6 C-l-e-m-e-n-t-s.

7 HEARING OFFICER BACHMAN: You have two
8 minutes.

9 MS. CLEMENTS: So last time I spoke, we had
10 established that both the election night reporting
11 file and the official election results are all put
12 over here on the internet. Now, I have said that was
13 illegal, forbids you from doing that. State law
14 forbids you from doing that, but you're doing it.
15 Now, why would state law prohibit you from doing
16 that? This is why. Because if you want to fabricate
17 an election night result, you want to say, oh,
18 so-and-so won, you are able to backfill into the
19 official election results what you say happened.

20 Now, is there evidence that that election
21 night reporting file is being manipulated? Yes,
22 there is. I was able to get the election night
23 reporting for New Mexico for our statewide races in
24 2022 mid-terms. When you plot the queue in the votes
25 as the votes are being added in by the clerks across

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1 the state, we had multiple times where votes would be
2 injected, taken out, injected again, then they stay
3 up here for a while, look at them, taken out, and
4 then you have an answer.

5 Now, I brought this up to a clerk once, and
6 she said, well, you know, probably there was a clerk
7 and she rescinded some, she messed up, she had to
8 bring back her results. That's when you would see a
9 drop in votes. Well, that's only if she receives
10 results, she rescinds all the results. But we see
11 drops in votes for only some candidates, not others.
12 So the Secretary of State, the Governor, two of the
13 three Congressional races all had this inexplicable
14 drop in votes which were then later reinjected later
15 on in the county. And if that was honest, it would
16 have to happen to all of them, but it happens to only
17 some of them.

18 This indicates your election night
19 reporting is being manipulated. It's co-located with
20 your official election results. That is a giant
21 concern that we have been screaming from the rooftops
22 for a long time. We have had no response whatsoever
23 from the Secretary of State, and some of our clerks
24 are generally concerned because they are honest
25 people.

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1 HEARING OFFICER BACHMAN: Could you please
2 conclude your comment?

3 Can you please state your name and spell it
4 for the court reporter?

5 MS. DERRICK: Yes, ma'am. Leanna Derrick,
6 L-e-a-n-n-a, D-e-r-r-i-c-k.

7 HEARING OFFICER BACHMAN: Thank you. You
8 have two minutes.

9 MS. DERRICK: Hi. 19.9B, "Secured
10 Containers will be permanently bolted to the ground."
11 One of my concerns, again, is I'm advocating for
12 Native American brothers and sisters on sovereign
13 nations, 19 pueblos and nations, and that they are in
14 rural communities. When you live in a metropolitan
15 area, secured containers in the facilities are more
16 commonplace than they would be out on the reservation
17 area.

18 So to make what you're determining
19 available to our people, you have to have access to
20 the ground, and that comes at a considerable cost.
21 That's a concern I have again, a displacement of
22 means and monies going direct in areas that probably
23 doesn't need to be. I'm opposed to that. Secured
24 containers should be installed in a lighted area and
25 a modernized, centralized surveillance system.

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1 Again, in rural counties, it's impractical, but yet
2 an expense the Secretary of State is going to
3 accommodate this to me seems imbalanced.

4 I would like to have a second look placed
5 upon that because what constitutes for Santa Fe and a
6 metropolitan area does not translate into our rural
7 communities. New Mexico is a very large area.
8 There's lots of areas where a lot of things happen.
9 Also, you cannot guarantee that there's not going to
10 be an emergency situation or FEMA emergency, a
11 constituted FEMA emergency to cause some of these
12 disruptive services is what I'm saying.

13 And then going to E2, again, only the
14 clerks are allowed education opportunities. I don't
15 see education opportunities presented by the
16 Secretary of State to educate the average voter, New
17 Mexicans, and again, Native Americans. It's
18 displaced. Thank you.

19 HEARING OFFICER BACHMAN: If you could
20 please state your name for the record and spell it
21 for the court reporter.

22 MS. ARCHULETA: Debra A. Archuleta.
23 D-e-b-r-a, middle initial "A," A-r-c-h-u-l-e-t-a.

24 HEARING OFFICER BACHMAN: Ms. Archuleta,
25 you have two minutes.

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1 MS. ARCHULETA: Thank you. I oppose
2 totally the drop boxes. We have all the surveillance
3 and video on them, but somebody can still drop off
4 five to 10 ballots, and nothing can be done. They're
5 dropped. You don't know which ones they are. They
6 take off. Are you capturing license plates at all?
7 There is a lot of ways to do fraud in dropping off
8 bunches of absentee ballots. And that's why I
9 totally oppose these. We don't need them anymore.
10 That's why we have early voting and all hours and on
11 weekends, so there's really no need for drop boxes.

12 There's no way you're going to catch
13 anybody if they drop off a handful of ballots even on
14 surveillance if you're watching. Is someone watching
15 the camera all the time? I don't think so. There's
16 just absolutely no way to catch people conducting
17 that kind of improper voter handling of ballots.

18 HEARING OFFICER BACHMAN: Please state your
19 name and spell it for the court reporter.

20 MR. LOPEZ: Freddie Lopez, F-r-e-d-d-i-e,
21 L-o-p-e-z.

22 I wanted to just echo and bring back a
23 little bit of what I was just talking about earlier
24 is that we bought these drop boxes during COVID, and
25 I just wanted to echo what Deb Archuleta said. We

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1 have no reason to have these anymore. Why do we have
2 them? We have absolutely no reason. The only reason
3 why someone would want to keep them is that they want
4 to pull off shenanigans.

5 Because like she said, is someone going to
6 be watching the surveillance camera 24/7 from when
7 the polling place closed all the way into the early
8 morning? Are they going to keep watching the whole
9 darn time? Are you going to catch their license
10 plates? Are you going to catch the person's face?
11 What if the person is wearing a mask, and they just
12 start putting ballots in there like it's nothing? I
13 mean, there's absolutely no reason we should have
14 drop boxes.

15 If someone wants to, you know, be able to
16 vote, but they don't -- they can't go to the polling
17 place for whatever reason, they can simply drop off
18 the ballot at the County Clerk's Office so someone
19 could personally handle them. That, I believe,
20 should be the place, not just drop them off in a box
21 and just be like, well, we got a camera on it so it's
22 totally okay. That's not the way it's supposed to
23 go.

24 So this one I completely oppose because we
25 have no reason for drop boxes. Frankly, we didn't

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1 even need them during COVID. There are other ways we
2 could have done this, but frankly, this is just not
3 the right way to go with drop boxes. So we should
4 just get rid of drop boxes entirely.

5 HEARING OFFICER BACHMAN: Please state your
6 name and spell it for the court reporter.

7 MR. KWASNY: Robert Kwasny, R-o-b-e-r-t,
8 K-w-a-s-n-y.

9 HEARING OFFICER BACHMAN: You have two
10 minutes.

11 MR. KWASNY: Okay. So I would like to make
12 the comment that all of these rules be struck
13 completely for some of the other reasons that other
14 people are saying here, the ballot boxes are
15 unnecessary, there's not that many people in New
16 Mexico, the definitions are all wrong. When you ask
17 the Dominion guy what's the encryption, and he
18 laughs, and he says he doesn't know, and he turns to
19 the other three people, his people, and they don't
20 know, but I know because I looked it up. It means
21 that you're using terms that you can't use. You
22 can't use "encryption" when you don't have a
23 definition. Where's that definition?

24 You've got video surveillance. And what's
25 going on with that video surveillance? Is that on a

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1 public stream? Is that up on the website so anybody
2 can watch what's going on at these drop boxes? No.
3 You've got all kinds of people. You've got notary
4 publics that don't belong in the State of New Mexico,
5 an unlimited number. All of these rules are just a
6 continuation of the baloney that happened because of
7 COVID, and it's a continuation of 93 years of
8 Democrat rule that is now getting to be so corrupt
9 that the entire country is looking at this process
10 and going, what the hell?

11 So you've got terms you cannot use. You
12 have no glossary. You can't use these terms. So
13 these rules can't be used either. So dump them now
14 because you are completely illegal in all of your
15 functioning here. And that's a travesty that the
16 country is going to be watching like you can't
17 believe. And that's my conclusion.

18 HEARING OFFICER BACHMAN: Are there any
19 other members of the audience wishing to comment on
20 .8 through .14 of 1.10.19?

21 Seeing none, there will be the opportunity
22 for three clarifying questions of the speakers who
23 just gave comment.

24 Yes, sir.

25 STATE SENATOR GALLEGOS: I apologize. Last

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1 time, I don't think I spelled my name. So I'm still
2 State Senator David Gallegos, District 41. It's
3 D-a-v-i-d, G-a-l-l-e-g-o-s.

4 I wanted to ask Ms. Clements a question, if
5 I may. So earlier, you were talking about the spikes
6 that you guys were watching. I'm wondering if that
7 would be due to the mail-in ballots and/or the drop
8 box ballots being injected at those times? I don't
9 know where in the process they come in.

10 MS. CLEMENTS: Hi. I don't believe that's
11 what they're due to because they were -- so as I was
12 explaining, the clerks take that memory stick out of
13 all of your tabulators, some are absentees, some are
14 election day, some are early voting. She takes them
15 over. She puts them into her -- actually, that's
16 really interesting. She puts them into the Dominion
17 thing, the Dominion computer, it's all downloaded
18 onto USB, and then it's moved over to SERVIS. Now,
19 unless she's doing this multiple times, she probably
20 actually put the whole thing onto that USB stick, and
21 it should all be reporting at once.

22 So why is it being reported piecemeal with
23 some injections for some candidates and not for
24 others, some deletions for some candidates and not
25 for others? That's an excellent question, and I

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1 think the Secretary of State absolutely should be
2 explaining this to people, getting to the bottom of
3 what's going on because it's manipulated. It doesn't
4 even make sense with the process. Thank you for
5 bringing that up.

6 HEARING OFFICER BACHMAN: Two more
7 questions.

8 MS. CLEMENTS: I had a question. I had a
9 question for Mr. Lopez and Ms. Archuleta.

10 You guys were mentioning the drop boxes,
11 and particularly the surveillance or lack thereof,
12 the fact that nobody watches the surveillance video.
13 Well, I mean, I don't know. I was going to ask you
14 if you-all had seen 2000 Mules when surveillance
15 video was actually watched, and we saw people clearly
16 breaking the law by inserting dozens of absentee
17 ballots, was it legal in our state to do that?

18 And why do you think -- I also wanted to
19 ask you if you saw the Secretary of State put up her
20 like she debunked it or whatever, using State
21 resources to say that there's nothing wrong with it,
22 and it's all just bunk, even though it's video
23 evidence. I was just wondering if you had seen that.

24 HEARING OFFICER BACHMAN: A one-minute
25 response, Mr. Lopez.

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1 MR. LOPEZ: Freddie Lopez, F-r-e-d-d-i-e,
2 L-o-p-e-z. I remember that now. But yes, I have
3 seen 2000 Mules. That's probably one of the most
4 shocking films that I have ever seen in my entire
5 life to know about the irregularities that are
6 occurring. I have also seen many films regarding
7 election integrity because of that itself alone. I
8 have seen the video where the Secretary of State
9 supposedly debunked it, and it's just like, well, I'm
10 sorry, but I have two eyes, and I can clearly see
11 that someone is dumping a bunch of ballots. You
12 can't see their face, but they can say, oh, at least
13 I saw it, we caught it on tape? Yeah, but did you
14 catch the person? No, you didn't. But yes, I have
15 seen that film. Everybody has to watch it.

16 HEARING OFFICER BACHMAN: One more
17 question.

18 Please state your name and spell it for the
19 record.

20 MS. CASTILLO: Annette Castillo,
21 A-n-n-e-t-t-e, C-a-s-t-i-l-l-o.

22 HEARING OFFICER BACHMAN: Ms. Castillo, you
23 have a minute.

24 MS. CASTILLO: Thank you.

25 My question is for Erin Clements. Who pays

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1 for those drop boxes? Who made them? And is the --
2 I just don't understand how the mailing system itself
3 can be a drop box. Because isn't there like a chain
4 of command with the ballots and how are postal
5 workers -- I mean, they're called postal workers,
6 nothing against postal workers -- but are they
7 judges? Do they have that kind of right to take care
8 of our ballot just like a bin, a secured bin, that's
9 supposed to be under surveillance? I always like to
10 follow the money. Thanks.

11 MS. CLEMENTS: That's a fabulous question.
12 It touches on the issue that millions of people are
13 concerned about, and that is the fact that drop
14 boxes, in large part, were purchased by Mark
15 Zuckerberg with private money injected into
16 elections. So that's where they came from. It was
17 his idea, more or less. Since then, the Secretary of
18 State has put in a bunch of your money to buy drop
19 boxes against your will. And technically, I mean,
20 the whole idea of drop boxes is stupid because you
21 can put a ballot in a postal box, just like you said,
22 which is technically a drop box.

23 Theoretically, I mean, that ballot gets
24 scanned and tracked, and there's documentation, but
25 it's also easily subverted, as we saw the postal

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1 service recently confirm that this was true was a
2 gentleman -- I think he worked for USPS or he was a
3 UPS contractor, I can't remember which it is -- but
4 he was given a trailer in New York with hundreds
5 of --

6 HEARING OFFICER BACHMAN: Please conclude
7 your comments. Your minute is almost up.

8 MS. CLEMENTS: -- thousands of ballots in
9 it. He was told to drive it to Pennsylvania and
10 leave it at the USPS office there. Nobody picked up
11 his trailer. He went to lunch. He came back. The
12 trailer was gone. So those particular ballots,
13 though they were in USPS --

14 HEARING OFFICER BACHMAN: Ms. Clements --

15 MS. CLEMENTS: -- stream were not properly
16 tracked. The chain of custody was a joke.

17 HEARING OFFICER BACHMAN: All right. So at
18 this time, thank you very much. We're moving on to
19 the next rule scheduled for hearing today.

20 We are calling anyone wishing to comment on
21 the proposed rule 1.10.22 NMAC, Provisional Voting.
22 We're going to start with Subsections 1 through 6.
23 Anyone wishing to speak on Subsections 1 through 6,
24 please line up over here, and the first person may
25 approach the podium.

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1 Please state your name and spell it for the
2 record for the court reporter.

3 MS. CLEMENTS: Erin Clements, E-r-i-n,
4 C-l-e-m-e-n-t-s.

5 HEARING OFFICER BACHMAN: Ms. Clements, you
6 have two minutes.

7 MS. CLEMENTS: Over here on the SERVIS
8 Komputer, I have explained to you that the election
9 reporting is fraudulent in New Mexico and across the
10 country. It's co-located with the official results
11 in the SERVIS Komputer which is on the internet
12 hosted on the cloud, thousands of points of access.

13 So what happens next with those files after
14 election night and all the winners have been, you
15 know, announced is the clerks are supposed to finish
16 their canvas. Now, to finish the canvas means that
17 you take your provisional ballots, you process all
18 those. Any last-minute absentee ballots you got on
19 election day, you can process all that stuff here on
20 the SERVIS Komputer. That's called -- that's the
21 canvas process.

22 You do, you know, cross checks. You're
23 supposed to get out your tabulator tapes and you're
24 supposed to make sure everything reconciles to
25 itself, but clerks have told us they don't actually

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1 do any of that. In some cases, they just rely on
2 whatever the computer is spitting out at them. And
3 then the clerks give the Secretary of State access to
4 what's here on the SERVIS Komputer.

5 Now, that goes against state statute
6 because all of that is supposed to be done by the
7 County Clerk, certified by the County Commission, and
8 then the Secretary of State is allowed to do the
9 state canvas. She collects all the canvases and does
10 the state canvas and then there's a final
11 certification on that. But the Secretary of State
12 has inserted herself into this process illegally. So
13 I'm going to stop there for this.

14 HEARING OFFICER BACHMAN: Anyone wishing to
15 speak on Part 1.10.22, Sections 1 through 6? Please
16 state your name for the record and spell it for the
17 court reporter.

18 MS. GOOLSBY: Ramona Goolsby, R-a-m-o-n-a,
19 Goolsby, G-o-o-l-s-b-y.

20 HEARING OFFICER BACHMAN: Thank you. You
21 have two minutes.

22 MS. GOOLSBY: I just have a point of
23 clarification. People are having a hard time
24 following this. We were talking about 1.10.2. Are
25 we just going through the objective?

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1 HEARING OFFICER BACHMAN: Yes.

2 MS. GOOLSBY: So there is nothing of
3 substance really within this?

4 HEARING OFFICER BACHMAN: We are going
5 through the .6.

6 MS. GOOLSBY: Okay. So no definition.
7 We're not even going farther. Thank you. No further
8 comment.

9 HEARING OFFICER BACHMAN: All right.
10 Please state your name for the record and spell it
11 for the court reporter.

12 STATE SENATOR GALLEGOS: State Senator
13 David Gallegos, D-a-v-i-d, G-a-l-l-e-g-o-s.

14 Just another clarifying question. Why are
15 we reviewing this if there's no changes in -- there's
16 no outline and no highlights?

17 HEARING OFFICER BACHMAN: The format of the
18 hearing is to go through each section of each rule.

19 STATE SENATOR GALLEGOS: My mistake. Thank
20 you.

21 HEARING OFFICER BACHMAN: All right. Is
22 there anyone wishing to ask clarifying questions of
23 those who have provided comment on Sections .1
24 through .6 of Part 1.10.22 NMAC?

25 Seeing none, we are going to move on. So

70 1 now we will take comment on the proposed rule 2 1.10.22, Provisional Voting, Subsection 7 through 13. 3 MS. GOOLSBY: Ramona Goolsby, R-a-m-o-n-a, 4 G-o-o-l-s-b-y. 5 So that's the remainder of the rules; is 6 that correct? 7 HEARING OFFICER BACHMAN: Yes. You have 8 two minutes. 9 MS. GOOLSBY: Thank you. 10 1.10.22.7E, Challenger. The Secretary of 11 State will now be doing all challenger training. 12 Will the challengers, as a point of clarification, be 13 able or be provided training by their political 14 parties? 15 And let's go on to, since the terms 16 "challenger," "county canvas observer" are being 17 delineated, "watcher" and "election observer" also 18 need to be defined. The latter two terms are found 19 in statute without clear specifications or 20 definitions. It's especially important since all 21 election workers have the right to know who is being 22 allowed into the polling places, their specific 23 roles, and who authorizes their presence. These 24 definitions should be very easily found and specific, 25 and it is appropriate to define these words within	72 1 morality of where those residents live, not just for 2 that location, but also less popular areas in New 3 Mexico that this time it's notified provisional 4 voters. Again, that's a concern of dollar amounts 5 that more people are being hired that you have to go 6 out there and train to do these jobs for one voter. 7 Now, that's great for that one voter, but again, 8 you're neglecting the voices of the majority of 9 voters. 10 This is pointing to the Secretary of 11 State's lack of foresight and vision that while 12 you're looking at one miniscule area and focusing on 13 one voter, you're disregarding the greater voter 14 populace. That's an imbalance of your office. And 15 I'm beseeching you to take a look at that because 16 that is unjust. It's unjust all the way around. The 17 curing process, I believe, is going to be 18 interrupted. And when the curing process is 19 interrupted, it interferes with our timely 20 announcements, the whole voting process. So again, 21 another imbalance in the system. 22 MR. KWASNY: Robert Kwasny, R-o-b-e-r-t, 23 K-w-a-s-n-y. 24 HEARING OFFICER BACHMAN: You have two 25 minutes.
71 1 the rules. 2 1.10.22.11A, the Delay and Provisional 3 Ballot Curing until Friday before the State Canvas 4 Board meets, forces the County Commissioners and 5 County Canvas Board to certify the county canvas 6 knowing there are provisional ballots that have not 7 been included in the number, so they are certifying 8 an erroneous number. 9 1.10.22.11, there should be a uniform 10 method for providing the voter issued a provisional 11 ballot -- 12 HEARING OFFICER BACHMAN: Ms. Goolsby, 13 please work to conclude your comments. We're at the 14 end of the two minutes. 15 MS. GOOLSBY: -- to provide them with all 16 of the changes that are being made, including the 17 form that the Secretary of State is going to provide 18 for hearings. Thank you. 19 MS. DERRICK: Good morning. Leanna 20 Derrick, L-e-a-n-a, D-e-r-r-i-c-k. 21 HEARING OFFICER BACHMAN: Thank you. You 22 have two minutes. 23 MS. DERRICK: Again, on 1.10.22.11, and the 24 curing process and provisional votes. Again, I'm 25 speaking on behalf of Native Americans, and the	73 1 MR. KWASNY: Okay. So in 22.11, Section 2 1 -- well, actually, Section 2, it talks about the 3 County Clerk shall select a hearing officer from 4 staff of hers who is not affiliated with any county 5 voting, blah, blah, blah. You know, when the County 6 Clerk -- I watched the Dominion certification happen, 7 and that was such a stacked deck that the SOS took 8 from a pool of county clerks that have no technical 9 knowledge whatsoever -- I think there was one person 10 that had a little bit -- and they were tasked with 11 figuring out if this was going to be a valid 12 certification of that equipment. 13 Now, here you are in this rule going ahead 14 and stacking the deck in a way that, you know, is 15 that somebody that is a staff member, is that 16 somebody that is a friend of the County Clerk, or is 17 it a random person out of citizenry that is given the 18 task of keeping things on track. 19 All of your definitions here shocked me. 20 I've been dealing with businesses corporately for 47 21 years, and this is such a mishmash, I really believe 22 you need to throw it all out because it is incapable 23 of -- what it's doing it's supporting every possible 24 method of subverting an honest election. It's a 25 travesty.

74 1 I'm not an attorney, but I have read plenty 2 of legal documents, and I am just shocked where all 3 of these rules are going, and they need to be thrown 4 out or the country will be watching New Mexico. And 5 it is just awful what's going on here. The terms are 6 not valid. The definitions aren't valid. 7 HEARING OFFICER BACHMAN: If you could 8 please conclude your comments. You're over two 9 minutes. 10 MR. KWASNY: Sure. And so I don't know 11 what you guys are even doing with this meeting today. 12 HEARING OFFICER BACHMAN: Sir, if you could 13 please state your name and spell it for the court 14 reporter. 15 MR. CIONELO: Good morning. My name is 16 Geraldo, G-e-r-a-l-d-o, Cionelo, C-i-o-n-e-l-o. 17 HEARING OFFICER BACHMAN: You have two 18 minutes. 19 MR. CIONELO: Thank you. In a practical 20 sense, again, and I know it's looking at these 21 definitions. Now, me being an alternative health 22 doctor, I have to be certified in order to practice. 23 If I don't maintain a certification, I cannot 24 practice. And I notice a definition here, the word 25 "certified," that really bugs me because it's not in	76 1 their address, update their name, change their party, 2 anything, right away on the same day. So I'm not 3 sure why we even do provisional ballots anymore with 4 same-day registration. 5 HEARING OFFICER BACHMAN: Please state your 6 name and spell it for the court reporter. 7 MS. CASTILLO: Annette Castillo, 8 A-n-n-e-t-t-e, c-a-s-t-i-l-l-o. 9 HEARING OFFICER BACHMAN: Ms. Castillo, you 10 have two minutes. 11 MS. CASTILLO: Thank you. So I believe 12 we're still on Section 1.10.22, and I want to go to 13 .7J. So I'm not sure if the author made a mistake or 14 if we have healthcare in our elections now. But it 15 does say, "'Healthcare provider' means an individual 16 licensed, certified, or permitted by law to provide 17 healthcare in the ordinary course of business or 18 practice of a profession." It might be because "L," 19 we have the naked ballots -- I'm not sure -- but I'm 20 just wondering why we have healthcare in our 21 elections now. Thank you. 22 HEARING OFFICER BACHMAN: Please state your 23 name and spell it for the court reporter. 24 MR. LOPEZ: Freddie Lopez, F-r-e-d-d-i-e, 25 L-o-p-e-z.
75 1 here. I wonder why they leave that out because it 2 should be in there so that others like myself, 3 naturalized citizens, and others who are eligible 4 voters, can understand that they are certified, a 5 certified eligible voter, in order to be qualified. 6 So doesn't it make sense to all of us that 7 if it's not certified than all this is illegal. I'll 8 be doing illegal practice if I'm not a certified 9 alternative health doctor. So in a practical sense, 10 we still have common sense, I believe, and I think we 11 can all do better than that. Thank you. 12 HEARING OFFICER BACHMAN: Please state your 13 name and spell it for the court reporter. 14 MS. ARCHULETA: Debra A. Archuleta, 15 D-e-b-r-a, middle initial "A," A-r-c-h-u-l-e-t-a. 16 HEARING OFFICER BACHMAN: You have two 17 minutes, Ms. Archuleta. 18 MS. ARCHULETA: Thank you. 19 On this provisional voting, this last 20 general election, there were hardly any provisional 21 ballots because they sent everybody to same-day voter 22 registration or changes. So I had 50 some 23 challengers out in Santa Fe County, and no 24 provisional ballots were ever given out. The 25 envelopes were empty. They could just quickly change	77 1 So I just wanted to echo what Debra 2 Archuleta was talking about with provisional ballots. 3 For me, when I was reading the proposed rule, it 4 seems like many of these changes that we're putting 5 in are either flat out unnecessary, or they are just 6 completely complex because I could tell -- you know, 7 I've taken a class on legal research and writing. 8 And even then, I'm reading that, and it's like the 9 average person, unless you're really paying 10 attention, it's like they're just going to go 11 cross-eyed. 12 And when I read these, it's almost as if 13 we're making a lot of these changes, but for what 14 reason? Why are we making all of these changes when 15 they're unnecessary? For me, it seems like when it 16 came to SB-180 in the Legislature, it seems like many 17 of these changes were to "quote" make it easier and 18 convenient for those who work in our elections. But 19 frankly, for me, it's just mind boggling that we have 20 all these complex rules to conduct a simple election. 21 And frankly, it is just -- it's getting 22 really abhorrent. It's getting abhorrent to see just 23 these type of changes without much consideration. 24 Yes, you're always allowed to have public comment, 25 but it's almost like I honestly feel like none of you

78 1 are listening. I genuinely feel like I don't think 2 any of you are listening, and I believe that is just 3 wrong. And if you really do care about your 4 constituents, please just listen to what we're trying 5 to say. We are not electioneers or conspiracy 6 theorists or any of these buzzwords. We're simply 7 people who want free and fair, honest elections. So 8 I'm just asking you just, please, listen. Have an 9 open mind. 10 MS. CLEMENTS: Erin Clements. E-r-i-n, 11 C-l-e-m-e-n-t-s. 12 HEARING OFFICER BACHMAN: You have two 13 minutes. 14 MS. CLEMENTS: So we have established the 15 entire election is processed on the internet. The 16 Secretary of State gets her hands in it before it's 17 been certified against state statute. All the canvas 18 documents are created here on SERVIS. Now, we bring 19 in our USB stick again, our ultra, non -- not secure 20 at all because it's been handled by multiple parties 21 at this point. We take that USB stick. We put it in 22 the SERVIS Komputer. We move it back over here to 23 the Dominion server. We download it, which 24 apparently it destroys the original official election 25 polls. We've now overwritten them with things that	80 1 you please conclude your comments? 2 MS. CLEMENTS: Yeah. I'll come back to 3 this in a few minutes. 4 HEARING OFFICER BACHMAN: At this time, we 5 will allow three clarifying questions of the people 6 who proposed comments related to part 1.10.22 NMAC. 7 Could you please state your name and spell 8 it for the court reporter. 9 MR. CIONELO: Gerald Cionelo. Again, good 10 morning. 11 HEARING OFFICER BACHMAN: Good morning. 12 MR. CIONELO: Got to add some humor in 13 here. G-e-r-a-l-d-o, C-i-o-n-e-l-o. 14 And I have a question, a clarifying 15 question, to Ms. Clements and the chart. You 16 mentioned about uncertified software; correct? 17 MS. CLEMENTS: Yes. 18 MR. CIONELO: And so if it's an uncertified 19 software, is that machine certified or uncertified? 20 HEARING OFFICER BACHMAN: Ms. Clements, you 21 have one minute. 22 MS. CLEMENTS: Erin Clements, E-r-i-n, 23 C-l-e-m-e-n-t-s. 24 We have multiple systems interacting with 25 each other. To answer your question, we have the
79 1 have been exposed to multiple parties, the internet 2 on uncertified software, which is illegal going to 3 your point, Dr. C, that all this is being done on 4 uncertified software illegally. 5 So now we have got it back over here in the 6 county. The clerk prints up her canvas documents, 7 takes them to her County Commission, passes these 8 things out, and they certify it. There's almost 9 nothing about what I just described which is legal. 10 This overriding of software is -- overriding of data 11 is illegal. You have to preserve everything for 22 12 months. 13 But I've been told by multiple County 14 Clerks, including Ms. Bachman here, that we can't get 15 cast vote records even though they're required to be 16 part of the election canvas, to be part of the audit 17 trail. We can't get them. Multiple County Clerks 18 have told me they've been overridden, that Dominion 19 overrode them because not only is the County Clerk 20 overriding her own results, but Dominion comes in 21 later and wipes the server. This is illegal. I've 22 been told by multiple clerks this is happening. You 23 yourself told me I couldn't get these records because 24 they weren't there. This is all illegal. 25 HEARING OFFICER BACHMAN: Ms. Clements, can	81 1 Dominion system, which is supposedly certified, 2 though there are serious problems with the actual 3 accreditation of the lab that the Secretary of State 4 hired to do it. They're actually not accredited at 5 the time she paid them to certify our Dominion 6 tabulators, and so that was all invalid. So, no, 7 Dominion is not certified. 8 And then you have SERVIS, which is actually 9 where everything is being done except simply putting 10 a piece of paper into a trash can. That is not 11 certified at all, zero, zero certification, zero 12 input. I mean, there's not even public hearings. 13 There's no nothing. It's just absolutely insane that 14 this is how our elections are being processed. 15 MR. CIENOLO: Thank you. 16 HEARING OFFICER BACHMAN: We will take two 17 more clarifying questions of speakers who presented 18 comment. And I don't have to tell you. 19 MR. KWASNY: I'm the only one excluded from 20 that. Robert Kwasny, R-o-b-e-r-t, K-w-a-s-n-y. 21 And I want to clarify with the doctor. If 22 you go to buy gasoline, is that gasoline pump 23 certified? 24 MR. CIENOLO: Yes. 25 MR. KWASNY: If you bank, does the banking

82 1 authority of the United States certify that bank to 2 be chartered to do transactions? 3 MR. CIONELO: Yes. 4 MR. KWASNY: You see, there's a big problem 5 with all of your rules because you're using terms 6 that are incorrect. There is no certified function 7 here. So if you have no certification, you have no 8 rules. It's a pyramid kind of thing. If your 9 foundation is no good, or if it's inverted, the thing 10 tips over, and you have no rules here. They all have 11 to be taken and thrown out because their 12 encryption -- 13 HEARING OFFICER BACHMAN: If you could work 14 to conclude your comments. 15 MR. KWASNY: "Encryption" is one of those 16 words, and "certification" is certainly one of those 17 words. 18 HEARING OFFICER BACHMAN: I will take one 19 more qualifying question of someone who's already 20 presented comment on this part. Please state your 21 name and provide it for the court reporter. 22 MR. LOPEZ: Freddie Lopez, F-r-e-d-d-i-e, 23 L-o-p-e-z. This is for Eric Clements. 24 When it comes to Dominion is what you're 25 saying about Dominion, is that very specific to	84 1 illegally. It wasn't certified. So that applies to 2 most of the country. 3 HEARING OFFICER BACHMAN: All right. We're 4 going to move on. Public comment on Part 1.10.22 5 NMAC has now concluded. At this time, we call anyone 6 wishing to comment on the proposed rule 1.10.24, 7 Referendum Petition procedures, Subsections .1 8 through .5. 9 (A discussion was held off the record.) 10 HEARING OFFICER BACHMAN: At the request of 11 the court reporter, we will be taking a five-minute 12 break. 13 If anyone who has not signed in on the 14 sign-in sheet -- I believe we brought it up here 15 before people arrived -- we need you to please sign 16 in. There's one back on that back table, and 17 Ms. Vigil is returning the other one back there. 18 And we will take a five-minute break, and 19 we will resume at 11:04. Thank you. 20 (Recess from 10:49 a.m. to 10:58 a.m.) 21 HEARING OFFICER BACHMAN: For purposes of 22 the record, we are proceeding at 10:58 a.m. At this 23 time, we call anyone wishing to comment on the 24 proposed rule 1.10.24 NMAC, Referendum Petition 25 Procedures, Subsections 1 through 5. 1 through 5
83 1 Dominion voter machines, or is that specific to all 2 electronic tabulators, or is that unique to Dominion 3 itself? 4 HEARING OFFICER BACHMAN: You have a 5 minute. 6 MS. CLEMENTS: That's an excellent 7 question. It actually applies to the entire country 8 because the EAC has a couple of jobs. One is to 9 write the guidelines to help you comply with HAVA. 10 The other is to help states certify their equipment. 11 One of the things the EAC is supposed to do 12 is accredit labs. They say, okay, you're qualified 13 to certify these machines. Well, there's only two 14 labs in the country (inaudible). But they actually 15 let the entire certification process lapse around 16 2017. Nobody even noticed this fact until 2020 in 17 which time they said, oh, it was because of COVID. 18 That's why it lapsed. 19 In 2017, we just knew COVID was coming, and 20 we just couldn't get our thing certified. So any 21 state that certified any election system -- 22 HEARING OFFICER BACHMAN: Ms. Clements, if 23 you could work to conclude your comments. 24 MS. CLEMENTS: -- between 2017 and about 25 2021 when they got reaccredited was -- it was done	85 1 gets us through the effective date. Is there anyone 2 wishing to comment on this first initial section? 3 Seeing none, we are going to move on to the 4 next sections, 1.10.24.6 and 1.10.24.10, so sections 5 6 through 10. If you're wishing to make comments on 6 this section, please form a line over here. The 7 first person may proceed to the podium. 8 Please state your name for the record and 9 spell it for the court reporter. 10 MS. GOOLSBY: Ramona Goolsby, now. Ramona 11 Goolsby, R-a-m-o-n-a, G-o-o-l-s-b-y. 12 HEARING OFFICER BACHMAN: Thank you very 13 much. 14 Ms. Goolsby, you have 10 minutes. 15 MS. GOOLSBY: I do need to present some 16 data to the clerk for admission as evidence. Has the 17 two minutes started, or do I need to do that first? 18 There was no verification on that. 19 HEARING OFFICER BACHMAN: You may present 20 it separately. What are you wanting to admit into 21 the record? 22 MS. GOOLSBY: All right. Into the record, 23 I am going to enter the example of the Petition for 24 Referendum that was provided by the Secretary of 25 State's Office. There were two Examples that were

86 1 provided. There's a Legal Form and a Landscape Form. 2 HEARING OFFICER BACHMAN: Will you bring 3 those to me, please? 4 MS. GOOLSBY: Yes. 5 HEARING OFFICER BACHMAN: Are these the 6 only exhibits that you're wanting to -- 7 MS. GOOLSBY: No, they're not. 8 HEARING OFFICER BACHMAN: Can you enter all 9 of the exhibits at this time? 10 MS. GOOLSBY: I have a Referendum Petition 11 Review Checklist that was provided to the Ethics 12 Commission by the Secretary of State. 13 HEARING OFFICER BACHMAN: Okay. These two 14 exhibits, I am entering into the record as Exhibit 16 15 for the example, and then Exhibit 17 for the 16 Checklist. 17 (Exhibits 16 & 17 admitted.) 18 HEARING OFFICER BACHMAN: Ms. Goolsby, your 19 two minutes begins now. 20 MS. GOOLSBY: Thank you. 21 I am going to go to Section 1.10.24.7, 22 Certified Lists. That has been taken from the 23 clerk's responsibilities to the Secretary of State, 24 which actually makes sense. I do feel that this list 25 needs to be provided to the sponsors since they're	88 1 have a document proving they're in a county. Who 2 carries -- what identification specifically states 3 you're in a county? I do not see why the ZIP Code on 4 their driver's license would not be sufficient. I 5 don't carry my county tax bill, so I don't think 6 anyone else does. Thank you. 7 HEARING OFFICER BACHMAN: Please state your 8 name for the record and spell it. 9 MR. KWASNY: Robert Kwasny, R-o-b-e-r-t, 10 K-w-a-s-n-y. 11 HEARING OFFICER BACHMAN: You have two 12 minutes. 13 MR. KWASNY: Okay. So, again, we have 14 definitions. That's in caps and in large type and 15 certified and all the other terms that this Secretary 16 of State's Office is using to expand her power 17 illegally because she's not, as Ms. Goolsby says, not 18 allowed to do what she's doing. So running out the 19 clock and stacking the deck seem to be two of her 20 techniques of jacking it around. 21 Now, I've scanned thousands upon thousands 22 of petitions that will be turned in, and they will 23 get turned in. But she continues to say that there 24 are no petitions on the splash screen of her website. 25 Why hasn't she certified it? Why is she deflecting
87 1 the ones that have to verify the petition signatures 2 upon request, and it has been denied. 3 I want to go down to D, Petition, and note 4 that Article 4, Section 1 of the New Mexico 5 Constitution does state petitioner petitions must be 6 certified. This restricts the voter access to the 7 referendum. There's nowhere in the Constitution that 8 says they must be certified. 9 When the Secretary of State reviews 10 petitions, those forms, the checklist and the 11 examples, should be provided to whomever is going to 12 file petitions so that we do not have this back and 13 forth for months limiting the ability of people to 14 get started on this process. That is only open, and 15 that is fair. 16 I'm going to go over to -- it is Section D 17 under 1.10.24.8, qualified voter. A qualified voter 18 isn't a registered voter necessarily. They are 19 required to provide an ID, which I find ironic since 20 we don't have to have ID to vote. But if they're not 21 registered to vote, they have to write "qualified 22 voter," they have to have a government-issued ID -- 23 HEARING OFFICER BACHMAN: Please work to 24 conclude your comments. 25 MS. GOOLSBY: Yes. And then they have to	89 1 the will of this people of this state when one 2 million, one-hundred thousand called, texted, or 3 wrote in, that's the time that they didn't want these 4 bad bills. 5 And this time, she's doing it again by 6 doing the technique of waiting two weeks or three 7 weeks for a response, by sending it off to a judge 8 who then waits two or three weeks to recuse 9 themselves to give it to another judge that waits 10 another couple of weeks to recuse themselves. 11 This is a travesty. This is not the way 12 democracy is supposed to work. You're going to have 13 to clean this up or the citizens are going to clean 14 it up for you. There will be so many citizen grand 15 juries in every one of these 33 counties, the 16 Secretary of State is going -- is doing this and 17 forcing the citizens to take it all back. 18 HEARING OFFICER BACHMAN: Please conclude 19 your comments. 20 MR. KWASNY: The conclusion is stop playing 21 dirty pool. 22 HEARING OFFICER BACHMAN: Please state your 23 name and spell it for the court reporter. 24 MR. LOPEZ: Freddie Lopez, F-r-e-d-d-i-e, 25 L-o-p-e-z.

90 1 HEARING OFFICER BACHMAN: Mr. Lopez, you 2 have two minutes. 3 MR. LOPEZ: Thank you. 4 So when it comes to the referendum 5 petitions, this is something that I've had personal 6 experience with. And frankly, with these new rules, 7 it just seems like the Secretary of State is just 8 trying to yank away the power of the people to have 9 to petition the government because New Mexico is one 10 of only two states that has this referendum provision 11 in its state Constitution. And it seems like to me 12 that they are putting in these changes because they 13 know that the ongoing referendum that's going on in 14 New Mexico is a major deal. 15 Many people are signing this petition. And 16 it seems like the Secretary of State with her 17 continuing delaying and continuing to just defy the 18 will of the people, and then having this brought up, 19 it's just -- frankly, some would call it tyrannical, 20 some would call it just absolutely ridiculous and 21 overstepping her boundaries. And this is just -- I 22 mean, some of these things when on face value sound 23 good, but again, the will of the people is always 24 going to be there because the Secretary of State has 25 repeatedly -- and she's done this for a very long	92 1 minutes. 2 MS. DERRICK: The referendum process was -- 3 it exists in the New Mexico Constitution so that the 4 voters may petition against a lot that they find 5 they're in disagreement of. I'm in disagreement of 6 many of the amendments because the referendum, I 7 believe, was satisfactory. These new changes, again, 8 as an educator, subvert the point of getting more 9 voters involved. It actually deters. Because the 10 more you restrict the laws and probations and all 11 these things that we have to follow, you then 12 restrict the freedom of the process of which it was 13 designed, a fair and balanced way for New Mexican 14 voters to say, I disagree with this law, and this 15 rule as it exists. It does not work for me as a 16 voter. 17 Again, I'm speaking on behalf of the Navajo 18 Nation because I'm the one here representing my 19 Native people. I'm also speaking for Native 20 Americans as a tribal entity that this, again, is 21 prohibitive because there are many people who aren't 22 citizens, not immigrants, that do not speak dual 23 languages. And I don't believe that a good solution 24 would be to put this in dual languages. I think the 25 solution is to simplify your process. This has
91 1 time -- defied the will of the people, and just -- it 2 is just -- frankly, it's really disgraceful. 3 So looking at these rules, especially for 4 the referendum, she's just trying to delay the will 5 of the people. Because if the people disagree with 6 the law, they have a right to say, you know what, we 7 don't want this law. We are going to petition to 8 make sure that it doesn't become law. That's what 9 every citizen has, especially here in New Mexico. 10 And to say to dismiss things on technicalities, or 11 say that it's not necessary, or, oh, it doesn't 12 qualify because I personally don't agree with the 13 referendum, I don't believe that's right. And for 14 that reason, I don't think that these changes are 15 necessary. It's just -- 16 HEARING OFFICER BACHMAN: Please work to 17 conclude your comments. 18 MR. LOPEZ: -- another roadblock. Thank 19 you. 20 HEARING OFFICER BACHMAN: Please state your 21 name for the record and spell it for the court 22 reporter. 23 MS. DERRICK: Leanna Derrick, L-e-a-n-n-a, 24 D-e-r-r-i-c-k. 25 HEARING OFFICER BACHMAN: You have two	93 1 gotten convoluted, very complicated, and it diverts 2 you from the initial purpose of establishing a 3 referendum and protecting it. Thank you. 4 HEARING OFFICER BACHMAN: Please state your 5 name for the record and spell it for the court 6 reporter. 7 MR. CIONELO: Geraldo Cionelo. Again, good 8 morning. 9 HEARING OFFICER BACHMAN: Good morning. 10 MR. CIONELO: G-e-r-a-l-d-o, C-i-o-n-e-l-o. 11 HEARING OFFICER BACHMAN: You have two 12 minutes. 13 MR. CIONELO: Thank you. 14 I'm reminded just before I became an 15 American citizen, I was told in order to be a 16 naturalized citizen, I need to know the election 17 process, and I need to know who the presidents are, 18 the elected officials, and so forth. And I remember 19 that I answered every one of them except for one. I 20 didn't know the mayor of my city back then. And so 21 they're all elected officials. 22 The reason I mention that, I was reading 23 that the elected official was to serve the public, 24 and therefore, they are public servants. They work 25 for us. And you and I know that because I was a

94 1 public servant for 25 years before I became an 2 alternative health doctor. So I had that great 3 privilege of that beautiful place I would live in in 4 America, and I think we're losing that, losing 5 ground. That's one of the reasons why I moved here 6 to America, to the land of opportunity. 7 With that said, again, I just want to make 8 sure that we know that one plus one is still two, and 9 you know, have common sense on that. And I would 10 hope that the Secretary of State knows that she's 11 here as an elected official to serve the public, and 12 hopefully, she would be willing enough to hear all 13 the data and the evidence that we have. 14 Here again in the definition on Section A, 15 24.7, notice of certified list. And, again, this 16 cannot be existing unless it's certified. It should 17 be a certified tabulator or certified software in 18 order to be legit. So again, one plus one -- 19 HEARING OFFICER BACHMAN: Would you please 20 start to conclude your comments at this time. 21 MR. CIONELO: All right. Thank you. 22 HEARING OFFICER BACHMAN: Thank you. 23 Please state your name and spell it for the 24 court reporter. 25 MR. MARKER: Larry Marker, L-a-r-r-y,	96 1 didn't make an allowance there. We actually reduced 2 the amount of time, and the Secretary of State 3 actually misrepresented the facts when she was 4 testifying in committee hearing, or actually on the 5 floor, that this would not affect people's ability to 6 gather signatures when in reality, it's already 7 reduced it by 20 days. And when you add all of the 8 other stuff, the 20 days when the bill gets to the 9 Governor before the three -- or after the three-day 10 end of session period, that sort of thing, you're 11 really narrowing the time that we have to actually 12 suspend the law. So that's an invasion of a 13 constitutionally reserved right. Thank you. 14 HEARING OFFICER BACHMAN: If you could 15 state your name and spell it for the record. 16 MS. CASTILLO: Hi. It's Annette Castillo, 17 A-n-n-e-t-t-e -- I feel like saying M-i-c-k-e-y -- 18 C-a-s-t-i-l-l-o. 19 HEARING OFFICER BACHMAN: Ms. Castillo, you 20 have two minutes. 21 MS. CASTILLO: Thank you very much. 22 So I have been gathering petition 23 signatures throughout the state, and one thing that I 24 have heard from many of the citizens of New Mexico is 25 why is the referendum petition form so confusing.
95 1 M-a-r-k-e-r. 2 I've got about a thousand things on the 3 referendum, but I'm going to stick with 1.10.24.10, 4 Part D, the Secretary of State shall respond to the 5 draft submission in accordance with Subsection blah, 6 blah, blah, blah, within 30 days of submission. 7 The current law or the law prior to Senate Bill 180, 8 she only had 10 days from the day that we provided 9 it. She had 10 days to get back with us on the 10 approval of the form of the petition. The problem 11 is, the Constitution only allows us 90 days from the 12 day that the session ends. We only have 90 days to 13 gather the signatures for the 25 percent, for the 25 14 percent threshold. 15 The problem with this is is that you've 16 lessened our times by 20 days by giving her an 17 additional 20 days to approve the form of the 18 petition, and you didn't make an allowance on the 19 other end of it to give people more time to gather 20 signatures for the 25 percent, which is the first 21 threshold. I'm going to limit my comments to that. 22 Like I said, I have thousands of others, 23 and if anybody has any questions on that particular 24 part, but my main problem is we made a statute that 25 directly affected a constitutional provision, and we	97 1 And I guess they kind of answer it for themselves. 2 They feel like the Secretary of State has 3 booby-trapped the citizens into their own right of 4 the Constitution Article 4, Section 1, which is the 5 referendum process. She also prides herself on 6 disapproving 60 referendums in the past. I don't see 7 that as being a complimentary gift for her to her 8 constituents. So who is she serving is my question, 9 if not the New Mexicans? 10 And I think that our elections should be a 11 lot more secure than the referendum process. With 12 this process, you need -- the form is so confusing 13 you don't -- post office, it just says name. Do we 14 sign? Do we print? But what does this really mean 15 when somebody wants to put their name and put this up 16 for a vote. And that's what we're trying to do is 17 have the people of New Mexico put this up for a vote, 18 and why are they so scared of the referendum process. 19 And I say "they" because I don't know who 20 she's working for besides the New Mexicans because we 21 know that's not helping right now. And are they 22 afraid of the New Mexicans actually voting against 23 the bills the 30 Democrats -- progressive Democrats 24 have made with this legislation, these six bills 25 we're actually putting up for referendum? So those

98 1 are my questions. Thank you. 2 HEARING OFFICER BACHMAN: Please state your 3 name and spell it for the record. 4 UNIDENTIFIED SPEAKER: Erin Clements, 5 E-r-i-n, C-l-e-m-e-n-t-s. 6 Before my two minutes start, I would like 7 to enter the record we were discussing earlier. 8 HEARING OFFICER BACHMAN: All right. This 9 will be Exhibit 18. 10 (Exhibit 18 admitted.) 11 HEARING OFFICER BACHMAN: Your two minutes 12 starts now. 13 MS. CLEMENTS: I want to echo what's been 14 said by Ms. Goolsby and Ms. Castillo regarding the 15 tone of these rules is that the -- and also, 16 Mr. Marker, that the Secretary of State and whoever 17 wrote this stuff is giving us the impression that 18 they don't want us to referendum bad bills by 19 making -- for example, you have to show an ID to sign 20 the thing when you don't even have to show an ID to 21 vote. 22 During the legislative session, there was a 23 lawmaker, the idea of voter ID came up during the 24 hearing, and she said voting is a birthright. That's 25 why we can't make you show an ID. So to her, voting	100 1 signatures after the form of the -- the approval of 2 the form of the petition? 3 HEARING OFFICER BACHMAN: Ms. Goolsby, you 4 have a minute. 5 MS. GOOLSBY: Ramona Goolsby, R-a-m-o-n-a, 6 G-o-o-l-s-b-y. 7 Yes, the Governor holds the bill and signs 8 it on Day 21. It takes the Secretary of State two 9 days to record and chapter the bill. We're on Day 10 23. The petitioners file the draft on Day 24. We're 11 down to 64 days. If she reviews it for 30 days, by 12 the end of the process, we went from 90 days to 26 13 days to gather signatures to over -- or to suspend 14 the law from coming into effect. This is a decrease 15 in our constitutional right to petition since a 16 constitutional amendment to increase the time was not 17 provided. 18 HEARING OFFICER BACHMAN: This is our 19 second clarifying question. Please state your name 20 and spell it for the court reporter. 21 MS. CASTILLO: Annette Castillo, 22 A-n-n-e-t-t-e, C-a-s-t-i-l-l-o. 23 HEARING OFFICER BACHMAN: You have one 24 minute. 25 MS. CASTILLO: Thank you. My question is
99 1 is as fundamental as it gets. But the truth is, the 2 founding of our country, the most fundamental thing 3 is that we govern ourselves. 4 So when the Secretary of State takes away 5 constitutional rights with rules and smears the 6 public in the press, puts out press releases as 7 demonizing the people that are doing this effort, and 8 then has rules like this where it decreases the time 9 that you can get signatures because you can't even 10 get a draft, think she's right, it's exceedingly 11 confusing the form. It's just that the tone that 12 you're giving us is that we don't rule ourselves. We 13 are ruled by the ruling class, which is you, and you 14 can take away our rights at will. 15 HEARING OFFICER BACHMAN: All right. At 16 this time, we will take three clarifying questions of 17 the speakers who provided public comments on 1.10.24, 18 Sections 6 through 14. 19 Please state your name for the record and 20 spell it for the court reporter. 21 MR. MARKER: Larry Marker, L-a-r-r-y, 22 M-a-r-k-e-r. I've got a clarifying correction for 23 Ramona. She's the mathematical whiz here. 24 Can you give me the exact numbers on the 25 time -- of how much less time we now have to gather	101 1 for Mr. Marker. 2 MR. MARKER: Yes, ma'am. 3 MS. GOOLSBY: So how long did it take for 4 the Secretary of State to get back each petition? 5 Did she take her 10 days that she's allotted? 6 And I had another question. Oh, and how 7 many times did we have to go back and forth with 8 that, and how many times is she allowed to see a 9 petition to go back and forth? 10 HEARING OFFICER BACHMAN: Mr. Marker, 11 please, you have one minute. 12 MR. MARKER: Larry Marker, L-a-r-r-y, 13 M-a-r-k-e-r. 14 There's several issues here. The law 15 specifically says, the statute specifically says that 16 she has one shot at this. You're supposed to turn in 17 the draft of the petition, you're supposed to 18 identify each and every deficiency within that 19 petition. In this last go-around, that happened at 20 the time we sent the letter. Mrs. Goolsby actually 21 sent a letter saying this is our final draft of the 22 petition. We've identified every deficiency. 23 Well, the Secretary of State's Office then 24 provided additional deficiencies, and then claimed 25 that this was the law provided for the preservation

102 1 of public peace, health, and safety, which we could 2 go onto, I think, about a 12-hour argument right 3 there. 4 The problem we have is we're getting into a 5 perpetual back and forth, back and forth, back and 6 forth, and that's what's happened multiple times. 7 The Secretary of State claims at least 60 times. I 8 can only find 38 times that has actually happened. 9 But when you get into that perpetual back and forth, 10 back and forth -- 11 HEARING OFFICER BACHMAN: Mr. Marker, if 12 you could please conclude your response. 13 MR. MARKER: -- which happened to me a few 14 years ago, you never actually get a petition approved 15 to circulate until we actually go to the drastic 16 moves that we did this time. 17 HEARING OFFICER BACHMAN: We're moving on, 18 if you have an additional question. 19 MS. DERRICK: Leanna Derrick, L-e-a-n-n-a, 20 D-e-r-r-i-c-k. 21 HEARING OFFICER BACHMAN: Thank you. 22 MS. DERRICK: My question is for Erin 23 Clements. Erin, I know you've written an article 24 that came out. Could you please clarify some of the 25 points about the Secretary of State demonizing	104 1 comment on the proposed rule, 1.10.35 NMAC, voter 2 Records Systems, Subsections 1 through 6. Again, 3 this takes us through the objective of the rule. 4 Please state your name for the record and 5 spell it for the court reporter. 6 MR. KWASNY: Robert Kwasny, R-o-b-e-r-t, 7 K-w-a-s-n-y. 8 HEARING OFFICER BACHMAN: Okay. You have 9 two minutes. 10 MR. KWASNY: Okay. I just want to kind of 11 go on the record here that because of all the 12 definition problems and any portion of these rules 13 there's a real problem because it's in direct 14 conflict with the New Mexico Civil Rights Act. 15 Specifically, Section 41-4A-2 definition and the 16 following two or three lines. And it turns out that 17 that was a piece of legislation done to go after bad 18 cops. Well, there's some bad cops. But it includes 19 bad legislators specifically. And it gives any 20 aggrieved citizen the opportunity to be compensated 21 up to \$2 million. 22 Now, if all of the games that the Secretary 23 of State has been playing with delays, with the 24 forms, or you didn't capitalize this, or you didn't 25 center that, oh, you have to wait two or three weeks,
103 1 citizens who prefer the referendum? 2 HEARING OFFICER BACHMAN: Ms. Clements, you 3 have a minute. 4 MS. CLEMENTS: She misrepresents facts 5 regarding the appeals that were -- she claimed these 6 bills are for the peace, public safety, whatever, and 7 so they're exempt from referendum, even though the 8 Legislature never defined them that way. And the way 9 they get defined that way is by the Legislature. And 10 so this is a tactic she uses often, she's used it 11 against me personally. She will put out a press 12 release through her minions, and then it gets put in 13 the paper, and you have no voice to respond. And so 14 she said, there's no active petition. 15 She's trying to shut people down from their 16 Constitutional right to challenge bad lies, that 17 their run-away Legislature passed against their will, 18 even though they received at least 1.2 million 19 e-mails opposing these laws that are being part of 20 the referendum. I hope that answers your question. 21 MS. DERRICK: Yes. Thank you so much. 22 HEARING OFFICER BACHMAN: Thank you. 23 Public comment on Part 1.10.24 NMAC has now 24 concluded. 25 At this time, we call anyone wishing to	105 1 all this screwing around, nobody likes bullies, and 2 nobody likes cheats. And when there's stacking of 3 the deck, and there's the fooling around that's been 4 happening, that means the citizens of New Mexico are 5 aggrieved. It could empty out the entire treasury of 6 the State paying off aggrieved citizens. 7 Now, we have got a lot of signatures who 8 she says are not valid. They are valid. She's not 9 valid. She's a cheat, she's a bully, and she's going 10 to get in hot water because of the Civil Rights Act 11 that I just told you about, and I'm going to 12 spearhead that. 13 HEARING OFFICER BACHMAN: I would like to 14 remind everyone to please keep the comments that they 15 are providing to the rule that's being discussed at 16 this time. And, again, we are on 1.10.35.1 through 17 1.10.35.6 NMAC. 18 MR. LOPEZ: Freddie Lopez, F-r-e-d-d-i-e, 19 L-o-p-e-z. I don't know why I almost forgot my name 20 there. 21 HEARING OFFICER BACHMAN: Thank you, 22 Mr. Lopez. You have two minutes. 23 MR. LOPEZ: So just looking at 1 through 6, 24 I just wanted to echo what the previous gentleman has 25 mentioned. This is just, you know, with the voter

106 1 record system. One thing I want to point out is that 2 not only do we want our vote to be secure, but we 3 want to make sure our records are being secure, the 4 information that you put in in order to vote. But, 5 frankly, at this point in time, our voter records are 6 not secure at all. In fact, they are extremely 7 vulnerable because we have seen -- you know, when it 8 comes to voter records, we have a system called -- I 9 believe it's called ERIC, which is to help clean our 10 system, but frankly, that system doesn't work. It 11 just doesn't work. 12 And there are so many vulnerabilities that 13 I'm wondering if this rule change addresses any of 14 the concerns when it comes to third parties, having 15 third parties having access to our information 16 because we probably -- there's probably many people 17 in this room who've probably received mail, such as, 18 you know, hey, sign your ballot here, or register to 19 vote here, instead of having the County Clerk or the 20 Secretary of State sending you a letter saying, would 21 you like to register to vote? All these third 22 parties now have access to your voter registration 23 information. And people say, well, we have ERIC in 24 there. Well, it doesn't work. It just does not 25 work.	108 1 the designation (inaudible) filed has been canceled 2 finding by a court of legal insanity or striking 3 that. Actually, when you do that, you are -- you 4 haven't defined -- you haven't given an alternative 5 for what persons, I guess, residents in a facility 6 who's legally insane. You haven't given an 7 alternative for that. You've just stricken it from 8 the record and not offered an alternative as you have 9 in the following sentence where it says, "Prisoner on 10 parole or supervised probation and substitutes for a 11 correctional." I'm a mother of a prisoner, and I'm 12 an advocate for prisoners' rights. 13 So one of my disagreements with that is 14 that those three that you've stricken, prisoner on 15 parole or supervised probation are different statuses 16 of a person who has been convicted of a felony and 17 serving time. So you have stricken three different 18 phases in a person's life and their freedoms to just 19 say a correctional facility. That is not 20 satisfactory, and a correctional facility does not 21 substitute satisfactorily those three different 22 states for a person's freedoms. And when you have 23 done that, by doing so, you have now again created an 24 unfair imbalance in our voting system by putting a 25 population and adding it so that you cannot maintain
107 1 And, frankly, I don't believe that this 2 addresses that at all. In fact, I would argue that 3 this makes it even worse. I mean, for our voter 4 records, we have a right to privacy because 5 information is gold right now. The new currency is 6 your information. If someone has access to your 7 information, you know, that is the new gold, that is 8 the new currency. And frankly, if we're not 9 protecting that, if we don't have a vault on our 10 voter records, anything can happen because someone 11 can steal your identity, someone can steal your voter 12 information. There are so many things that you could 13 go on and on and on about the voter records, and 14 frankly, this does not address that at all. 15 HEARING OFFICER BACHMAN: Please state your 16 name for the record and spell it for the court 17 reporter. 18 MS. DERRICK: Hi. Leanna Derrick, 19 L-e-a-n-n-a, D-e-r-r-i-c-k. 20 In regards -- may I comment on the 21 vocabulary? 22 HEARING OFFICER BACHMAN: Yes. You have 23 two minutes. 24 MS. DERRICK: So my comment is on DD 25 removal where specifically you state that it means	109 1 a track adequately. 2 It's too broad. It's too vast. And, 3 again, I'm pointing to the fact the Secretary of 4 State is using these amendment policies to convolute 5 and confuse. And if you're going to do that, then 6 please supplement that with appropriate training so 7 every New Mexican may be informed and available to 8 understand what the current law is so that we may 9 activate toward it and respond appropriately. 10 HEARING OFFICER BACHMAN: Please state your 11 name and spell it for the court reporter. 12 MS. CLEMENTS: Erin Clements, E-r-i-n, 13 C-l-e-m-e-n-t-s. 14 HEARING OFFICER BACHMAN: You have two 15 minutes. 16 MS. CLEMENTS: Okay. I want to comment on 17 the fact that the voter registration system is run on 18 the SERVIS software, which I discussed earlier, which 19 I've already given you notice there are serious 20 problems going on with the election night reporting 21 to see if it's being manipulated. Before I even 22 learned any of that stuff, when I first started this 23 journey into understanding our election system and 24 it's data almost three years, the very first thing I 25 did is I got a copy of the State Reg. Voter Rules,

110 1 and I plotted how many people were being registered 2 per day in each county. And something that popped 3 out -- it was totally nuts -- is the fact that when 4 you do that, you get these perfect weekly patterns of 5 registrations where every Monday, almost the same 6 number of people are being registered, every Tuesday, 7 almost the same number of people are being 8 registered, Wednesday, Thursday, Friday, Saturday. 9 Sunday is usually zero. 10 But leading up to 2020, there was a massive 11 injection of approximately 80,000 voters into the 12 system at a time when the MVDs were shut down, you 13 weren't allowed to go door-to-door. There's no 14 explanation as to where all those people came from. 15 What I'm trying to tell you is your voter 16 registration system run on SERVIS software is already 17 compromised. And you've been put on notice. I wrote 18 a full report about this, shipped it to the Secretary 19 of State October 2021. I got nothing but smears in 20 response. You-all need to be aware of this that 21 you're not adequately protected on the system as it 22 is. It's being manipulated on a daily basis. 23 Not only is that pattern perfect, but the 24 percentages of Democratic, Republican, and 25 Independent voter are almost exactly the same every	112 1 There is rule on how that is supposed to be done. My 2 concern is she was also supposed to review vital 3 statistics, certify vital statistics every month. 4 When I asked for that list from the county, because 5 she's supposed to refer that to the county to have 6 people removed from the voter rolls, it was not done. 7 So how do we put into the rules accountability that 8 that is going to be done because that is a concern. 9 Going on over, 1.10.35.9D1, point of 10 clarification. Again, Secretary of State has not 11 been able to remove deceased voters in a timely 12 manner. So how is she going to be able to remove 13 felons in a timely manner? 14 HEARING OFFICER BACHMAN: Ms. Goolsby, if 15 you could please conclude your comments. 16 MS. GOOLSBY: Thank you. Have a great day. 17 HEARING OFFICER BACHMAN: At this time, we 18 will move on, and I'll come back for clarifying 19 questions, unless anyone has any on 1 through 6, on 20 the public comments that were provided for 1 through 21 6. We will take three. 22 MS. DERRICK: Leanna Derrick, L-e-a-n-n-a, 23 D-e-r-r-i-c-k. This one is for Erin Clements. 24 Specifically, I have questions about the 25 report that you referred to in your comment. You
111 1 day. That's absolutely not possible. I'm a civil 2 engineer, and I do nothing but look at patterns and 3 data. And I know what a real pattern looks like, and 4 I know what a manipulated pattern looks like. And 5 your voter registration system is 100 percent 6 compromised and manipulated. 7 HEARING OFFICER BACHMAN: Please state your 8 name for the court reporter and spell it for the 9 court reporter. 10 MS. GOOLSBY: Ramona Goolsby, R-a-m-o-n-a, 11 G-o-o-l-s-b-y. 12 HEARING OFFICER BACHMAN: You have two 13 minutes. 14 MS. GOOLSBY: Thank you. 15 1.10.35.74. I'm sorry. 1.10.35.84, 16 Officials, Public Officials with Designated 17 confidential Home Address. This is just a comment on 18 this. When public officials are allowed to hide 19 their address, this creates an elitist class. If 20 they do not want to be accountable to their 21 constituents, then perhaps they shouldn't run. 22 We're going to go over to -- it's hard to 23 get numbers here -- it is D or 3B under Registration 24 Processing, I'm assuming, and this point is about the 25 list of incarcerated felons that will be reviewed.	113 1 mentioned lack of protection of the voter 2 registration system and the manipulated patterns. 3 Could you please tell me more about that? 4 MS. CLEMENTS: There's a lot about the 5 voter registration system that is wrong. One of the 6 things is that I found an e-mail by the Secretary of 7 State -- actually, I think it was from you -- Mandy 8 Vigil appeared to give permission to an organization 9 called Rock the Vote to use their OCR to inject 10 voters into our registration system apparently 11 outside of the Secretary of State's. 12 We've never gotten an answer about that, 13 what exactly is going on, but it's obvious to me as 14 an engineer used to looking at real human interaction 15 with real systems, what a genuine random pattern is 16 versus a manipulated one. And I would testify on all 17 my expertise and my 19 years experience that what I 18 see in those voter rolls and these daily injections 19 into the rolls is completely manipulated. It's like 20 there's quotas that is set up ahead of time through 21 an algorithm, and whatever the natural thing is, 22 whatever the natural registrations are happening, it 23 is enhanced to fill out this pattern. That's what I 24 would say is going on there. 25 HEARING OFFICER BACHMAN: Ms. Clements, if

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1 you could please conclude your comment. Thank you.
2 We'll take two more qualifying questions of
3 people who have provided public comment on this rule.

4 MR. KWASNY: Robert Kwasny, K-w-a-s-n-y.

5 So I'm a data scientist, 47 years. And
6 addressing what just happened with the fact that you
7 can't keep these voter rules clean, the only reason
8 for that, given that you get data from social media,
9 you can get it from Amazon, you can get it from
10 credit card companies, there's no reason for dirty
11 voter rolls unless you're doing something dirty, or
12 you're a bully, or you're a cheat.

13 I know that Ms. Castillo had changed her
14 driver's license for voter ID, and she can probably
15 tell you what happened. She got registered as a
16 Democrat. Now, how did that happen? She found out
17 when she went to vote. Now, how much is that
18 happening at the DMV? Okay. I would like to ask you
19 to address that.

20 MS. CLEMENTS: It's an excellent question.

21 HEARING OFFICER BACHMAN: Ms. Clements, you
22 have one minute.

23 MS. CLEMENTS: I think it goes back to the
24 fact that all of this is being done on a software
25 called SERVIS, which is on the internet, cloud based,

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1 about the architecture of the system. But voter
2 registration is essentially outside of any
3 certification requirements. So nobody's actually
4 looking at it. You don't have a testing lab checking
5 your software. You don't -- I mean, all you have is
6 the data that comes out of it. And if the data looks
7 screwy, that can tell you that there's something
8 wrong with the software. And I think we've
9 established there's definitely something wrong with
10 the software. So, no, there's no certification
11 that's kind of hard to define I'd say from how they
12 set up the Help America Vote Act.

13 HEARING OFFICER BACHMAN: At this time, we
14 are going to move on to the final portions of this
15 rule. We will take comment on 1.10.35, Voter Record
16 Systems, Subsection 7 through 12. If anyone would
17 like to speak on this rule, please form a line over
18 here, and the first person may proceed to the podium.

19 Are there any more comments on this
20 proposed rule at this time? Please proceed to the
21 podium. Please state your name for the record and
22 spell it for the court reporter.

23 MR. LOPEZ: Freddie Lopez, F-r-e-d-d-i-e,
24 L-o-p-e-z.

25 HEARING OFFICER BACHMAN: Thank you. You

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1 totally accessible to any bad actor, no certification
2 whatsoever, and it's being manipulated. Total Vote
3 BPro is not secure. There's thousands of ways to get
4 in because every MVD employee has access, every clerk
5 has access, all of their staff have access, and any
6 bad actor who knows how to hack into a system has
7 access. That's what I think is going on.

8 MR. KWASNY: Thank you. I believe that to
9 be true.

10 HEARING OFFICER BACHMAN: We will take one
11 more clarifying question.

12 MR. CIONELO: Geraldo Cionelo,
13 G-e-r-a-l-d-o, C-i-o-n-e-l-o.

14 HEARING OFFICER BACHMAN: Thank you very
15 much.

16 MS. CIONELO: Ms. Clements, you mentioned
17 about compromised voter system. Would you please
18 clarify that? How is that -- that means if the voter
19 system is compromised, does that mean that it's not
20 certified?

21 MS. CLEMENTS: That's a good question. The
22 voter registration system technically is called
23 non-voting software, which means it's outside the
24 scope of the Help American Vote Act except in some
25 certain ways where they kind of give instruction

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1 have two minutes, Mr. Lopez.

2 MR. LOPEZ: Again, so when I look at --
3 when I look at some of these definitions, it is --
4 frankly, this is just -- I don't believe that this
5 is -- for one, I don't believe not only is this not
6 enough, but I don't believe that this will change
7 again. It doesn't address any of the concerns that I
8 have with voter records being in the hands of third
9 parties because that is a major issue. Because when
10 you look at our voter records, you will find -- you
11 know, you'll find voters that have not voted in
12 years, but yet they are still registered to vote.
13 You will find people who are registered to vote, but
14 yet they don't live in the same state anymore, or
15 they don't live in the same county anymore, but yet
16 they're still registered in that particular county.

17 You have people who are -- I believe at
18 some point in Sandoval County, there was a -- we
19 found -- I am not kidding -- a several
20 hundred-year-old woman who registered to vote in
21 person, several hundred years old voted in person. I
22 don't know how. I would like to be that person, see
23 how they voted. But you have discrepancies such as
24 that. I don't think this addresses any of that. But
25 instead, again, what I keep hearing, what I keep

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1 hearing from many people saying, well, we already
2 have ERIC that goes in and cleans these systems.
3 Again, it's electronic, and it doesn't work. In
4 fact, it makes it even worse.

5 We need to have a system in place or rule
6 in place where people will go in every few months or
7 so, every certain time limit, they check on those
8 voter records, and then they send a notification to
9 that voter whether it's through mail, and say, hey,
10 we're just double-checking. Are you still mailed at
11 this address, are you still registered at this
12 address, simple as that, to make sure that those
13 voter records are clean and 100 percent up to par.
14 This does not address that at all, and frankly, we
15 need clean voter records, and we need to make sure
16 that they're 100 percent secure. And I believe that
17 there's many ideas to go about this, but this is not
18 the way to go.

19 HEARING OFFICER BACHMAN: Thank you for
20 concluding your comments.

21 Please state your name and spell it for the
22 court reporter.

23 MR. KWASNY: Robert Kwasny, R-o-b-e-r-t,
24 K-w-a-s-n-y.

25 HEARING OFFICER BACHMAN: You have two

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1 minutes.

2 MR. KWASNY: Okay. So I'm looking at the
3 Section 10.35.12A through the end, and you talk about
4 governor official building, written requests, and
5 they have to be sent in March or April of any year.
6 Why would you do that instead of just any time you
7 want? What buildings are they going to store all the
8 records? Then it talks about, "Shall perform a
9 security evaluation." But then it can take a long
10 time to report on the security evaluation. "The
11 Secretary of State shall respond," in capital
12 letters, "SHALL," "in writing within 60 days of the
13 request." Are you kidding me? Security, you're
14 going to wait 60 days for a cop to show up to a
15 problem, or are you going to wait 60 days for a
16 fireman to show up at a fire? I mean, we have got
17 security in a building where all these ballots are
18 stored, she's going to respond in writing in 60 days?
19 What are you guys doing?

20 These rules, frankly, are a complete
21 travesty. Nothing in here is about the citizens of
22 the State of New Mexico. It's all about what games
23 the Secretary of State wants to play with to secure
24 the power players and the power brokers that have
25 ruled the state like a dictatorship for 93 years.

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1 You're one legislator away from a super majority.
2 And you know what? You're not going to get anywhere
3 that close again because of these dirty tricks, the
4 bottom of the deck deal. It's not right, and a
5 grownup shouldn't be doing this. This is the kinds
6 of stuff that six-year-olds should do.

7 MS. DERRICK: I'm Leanna Derrick,
8 L-e-a-n-n-a, D-e-r-r-i-c-k. Again, my concerns are
9 regarding felony convictions and voting.

10 Now that you are allowing -- you made a lot
11 of rules basically, stricken a lot of the original
12 law, and now we're amending it. Again, this is a
13 very specific population, and unless the Secretary of
14 State and her officials have individuals incarcerated
15 at this time, they are unaware and unknowledgeable
16 and ignorant of how our penal system actually works
17 in New Mexico. There's how it works on paper, and
18 there's how it actually works, and how you visit a
19 prisoner, how a prisoner goes about getting their
20 rights and their basic needs accommodated. Voting is
21 really the least of their concerns.

22 It is the concern of the Secretary of State
23 that individuals who have left the felony
24 incarceration can now vote. That's the way the rule
25 is stated. But what I'm concerned about is that

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1 there's all this additional tracking. Again, it
2 points to ignorance on the Secretary of State's part
3 and how you're going to track this, and the manpower
4 that's dedicated to sending a special investigator to
5 come in to research the status or reason. That's
6 additional manpower that has been hired. That's
7 jobs. Jobs the taxpayers have to pay to have that
8 service done because it's at the discretion of the
9 Secretary of State? No.

10 That in itself really infuriates me when
11 that money can be allocated to other uses for that
12 particular population. It speaks to the fact that if
13 that's the case, there's other motives that the
14 Secretary of State has for doing so, and that is
15 where I want to point you is an investigation on
16 those motives because that's a clear imbalance, and
17 it should not be tolerated by our voters. And I'm
18 speaking on behalf of that population because I want
19 them to see them all free and voters, but there is a
20 process that they must go through, and that process
21 should be --

22 HEARING OFFICER BACHMAN: Could you,
23 please, conclude your comments?

24 MS. DERRICK: My conclusion is that, again,
25 training opportunities, knowledge to be put in place

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1 for those folks that are now going to regain their
2 voter right status.

3 HEARING OFFICER BACHMAN: Please state your
4 name.

5 MS. CLEMENTS: Erin Clements, E-r-i-n,
6 C-l-e-m-e-n-t-s.

7 HEARING OFFICER BACHMAN: You have two
8 minutes.

9 MS. CLEMENTS: I want to talk about the
10 accessible use of the electronic voter file. In
11 February of 2022, we began a process of canvassing the
12 voter file in Otero County as directed by the County
13 Commission in that county. And we used the voter
14 rolls, the official Secretary of State voter rolls,
15 and we went door-to-door, and we just said, Are these
16 people living here, are they registered to vote, and
17 is this voter history correct? That's what we did.

18 For doing that, we got a smear campaign
19 just for asking the Secretary of State, similar to
20 what she's done to the referendum effort, claiming we
21 got it off the internet, and all this stuff, and we
22 are intimidating voters. And when you talk about
23 intimidating voters, smearing the public because
24 they're doing something the Secretary of State
25 doesn't like who is supposedly a public servant, that

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1 is voter intimidation.

2 But back to the use of electronic voter
3 files. So we canvassed, we found in Otero County
4 that 30 percent of the names on the record no longer
5 lived at those addresses. So it's 30 percent out of
6 date, which is an enormous number statewide. It's
7 certainly enough to spin an election. Another 10
8 percent, in addition to that 30, they had errors with
9 the voter history itself. So some people said --
10 what we were doing is the same, did you cast a vote
11 in 2020, did you cast it by absentee, did you cast it
12 in person? A lot of people said, yes, I voted, but
13 there's no vote under their name, or they said, no, I
14 did not vote, but there's an absentee ballot cast
15 under their name, 10 percent.

16 Now, project that statewide. That
17 certainly swings most of our election 10 percent
18 error. And, again, all that stuff, it's all housed
19 on SERVIS, which we have explained to you is
20 manipulated on a daily basis, the election night
21 reporting file is clearly manipulated. The election
22 results themselves we can conclude because of that
23 are also certainly open to manipulation, and probably
24 are being manipulated.

25 So the rule that restricts the use of the

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1 voter file from the public --

2 HEARING OFFICER BACHMAN: Ms. Clements, if
3 you could, please, conclude your comments.

4 MS. CLEMENTS: -- is used by the Secretary
5 of State, that's just a travesty.

6 MS. CASTILLO: Annette Castillo,

7 A-n-n-e-t-t-e, C-a-s-t-i-l-l-o.

8 HEARING OFFICER BACHMAN: A plus.

9 MS. CASTILLO: Thank you.

10 I have two points. Right before the last
11 2022 election, like maybe 10 days before the
12 election, there were seven million people in New
13 Mexico, and that's off the Secretary of State's
14 website. So I think that's what we're talking about
15 is these voter rules and the third-party access to
16 them. Maybe they were all doing the same thing on
17 the same day, and flooded the voter rolls. But the
18 New Mexicans saw that, and we never got any answers
19 for that. So I would like some answers for that.

20 Also, I'm not comfortable with the MVD just
21 because they did switch my party without me knowing,
22 and I missed out in a presidential primary, and I was
23 not happy about that. And I don't think they should
24 have that power to have the voters' information that
25 accessible where they can just manipulate it on a

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1 whim.

2 I understand that they use the MVD because
3 that is the only place that people actually sign for
4 a driver's license, and New Mexico doesn't have any
5 other resources besides the MVD. Maybe we should
6 look into that and get something better. I think we
7 could be better than that. Also, I think they should
8 teach cursive in schools so people can actually have
9 a signature. And that's all I want to say. Thank
10 you.

11 HEARING OFFICER BACHMAN: Please state your
12 name and spell it for the court reporter.

13 MS. GOOLSBY: Ramona Goolsby, R-a-m-o-n-a,
14 G-o-o-l-s-b-y.

15 HEARING OFFICER BACHMAN: Ms. Goolsby, you
16 have two minutes.

17 MS. GOOLSBY: Thank you. 1.10.35.12, Using
18 Governmental Offices and Buildings as Mailing
19 Addresses. This is to address the Native American
20 Voters' Act, and I have concern, and I'm sure that we
21 could have a Native American address that. They have
22 been a marginalized people that have been used by the
23 government, they have been abused by the government,
24 and now we're giving the government additional
25 opportunities. So we need to make sure that when

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1 these facilities are used, that the Native Americans
2 are treated with respect, and that it is done in a
3 proper way.

4 B, the person who is going to be the lead
5 person, are they going to be -- are they going to
6 apply? How are they going to be vetted? C, the
7 rules need to be very specific as to which department
8 within the Secretary of State is tasked with this
9 delegation of checking the buildings and making sure
10 that they are appropriate. E, will the approved
11 designation have to be reevaluated, the designation
12 of the building because most of them do. There's no
13 explanation of that.

14 It says F, "Mail shall be provided to the
15 voters to whom it is addressed." How is that going
16 to be verified? Are they going to be required to
17 show ID? Because within this rule it says, "Shall
18 only be provided." E2, mail. At the end of that
19 sentence, there's a punctuation mark.

20 And then we go to --

21 HEARING OFFICER BACHMAN: Ms. Goolsby, if
22 you could, please, conclude your comments.

23 MS. GOOLSBY: Okay. And actually, I will
24 conclude with that, and I want to thank you very
25 much.

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1 HEARING OFFICER BACHMAN: I believe you
2 have already provided comment on the rules.

3 MS. DERRICK: I'm a Native American, and
4 I'm asking to have official permission to speak on
5 that.

6 HEARING OFFICER BACHMAN: I will give you
7 one minute, and then we're going to move to
8 clarifying questions.

9 MS. DERRICK: Leanna Derrick, L-e-a-n-n-a,
10 D-e-r-r-i-c-k. I appreciate that opportunity because
11 had you not, it would have been marginalization of my
12 people. Not cool.

13 Specifically about having government
14 buildings, there is no way you can secure that.
15 That's a rule that cannot be -- can't be secured.
16 It's just not possible. Government buildings for a
17 fact of having us a place to go. Have you been to
18 the infrastructure of a Native American tribe? Have
19 you yourself been to a chapter house? I don't think
20 so. They are not secured buildings. Simply breaking
21 a lock, and entering it, and there we go, and there
22 goes our secure ballot. You have just broken the
23 security of a ballot. And once it's collected,
24 there's no actual way to secure that that ballot is
25 going to get to where it's going to go.

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1 That really breaks my heart. This was
2 written without actual steps taken. And again,
3 security and personnel, you're going to have to hire
4 those kind of people. So this is marginalization of
5 our people. It's an opportunity for ballot
6 harvesting.

7 HEARING OFFICER BACHMAN: Please conclude
8 your comments at this time.

9 MS. DERRICK: And speaks a lack of
10 integrity of our voting election system on Native
11 American property and sovereign nation.

12 HEARING OFFICER BACHMAN: We will now move
13 forward to three clarifying questions that can be
14 posed to people who have presented public comment on
15 this rule. You have one minute.

16 MS. GOOLSBY: Thank you. Ramona Goolsby,
17 R-a-m-o-n-a, G-o-o-l-s-b-y.

18 Ms. Derrick, I would like for you to
19 continue to talk about the Native American
20 population, the concerns of who's going to be
21 handling these ballots, how they're going to be
22 secured, what are the problems that you see with
23 this? Again, when I've talked to Native Americans
24 and people, they talk about the marginalization and
25 the abuse of the system. And so would you please

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1 comment on that? Thank you.

2 HEARING OFFICER BACHMAN: You have one
3 minute.

4 MS. DERRICK: Leanna Derrick.

5 My comment is that it breaks a chain of
6 custody, and that's a huge thing that you cannot
7 maintain. The Secretary of State cannot maintain
8 chain of custody on a sovereign nation. It's not
9 your land to do that. You have forfeited that right,
10 and now allowed the nation to take over. And when
11 you have allowed a nation, which is a foreign entity,
12 which has now broken a chain of custody, there's --
13 and that exists because we have so much of our land,
14 already many voting systems are going to be in place
15 in very rural communities. And, again, they have to
16 bring in an infrastructure for the ballot marking
17 system to do all what's proposed in here.

18 It boggles my mind, and it's almost
19 preposterous to think how they're going to -- on
20 paper it's one thing, but actually execute this. And
21 once you execute it when it comes to the point of the
22 ballot, that the security of the ballot cannot be
23 maintained 100 percent. And if it's not 100 percent,
24 it is a broken system.

25 HEARING OFFICER BACHMAN: Please conclude

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1 your comments.

2 MS. DERRICK: And it's going to break on
3 our Native lands, and that concerns me.

4 HEARING OFFICER BACHMAN: I'll take two
5 additional clarifying questions.

6 MS. CLEMENTS: Erin Clements, E-r-i-n,
7 C-l-e-m-e-n-t-s.

8 Your comments really strike me as to the
9 disparity of sending ballots to a government building
10 where there's no clearly -- I mean, there's not even
11 any provision for how it has to be secured, or who
12 has to be in charge, or how it has to be locked.
13 It's like -- I mean, I think USPS is bad enough. But
14 then just into any government building. So I just
15 want to give you another minute to talk about do you
16 feel like this is being abused as it is?

17 MS. DERRICK: Thank you for your use of the
18 word "abuse" because it really is an abuse of a
19 system that's not perfected in itself. We don't have
20 the -- "we," meaning I'm going to speak for the
21 Navajo Nation -- does not have the money
22 infrastructure to execute and literally hand off the
23 ballot system. We do have our own voting system, and
24 it has worked ever since we have had leaders that
25 we've designated. That is, again, government

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1 overreach of New Mexico government into that
2 sovereign territory.

3 I can only speak for my nation, but there
4 are 19 others that exist. And so now you go heading
5 off to, say, a ballot, head up to 19 other nations
6 and sovereignties. There's no accountability. And
7 what constitutes a government building in terms of
8 what the New Mexico Secretary of State considers a
9 government building, it's actually a dual building.
10 There aren't that many infrastructures there. So
11 that government building may operate as a
12 schoolhouse, a post office, a chapter house. Again,
13 people -- all those different keys for all those
14 different purposes access that building. There is no
15 accountability.

16 HEARING OFFICER BACHMAN: Please conclude
17 your comments at this time.

18 MS. DERRICK: Well, my point is, I think
19 you've all heard me, is that it's not going to be
20 accountable. Therefore, voting electronic system is
21 compromised from our Native American Tribes and
22 Pueblos.

23 HEARING OFFICER BACHMAN: One more
24 clarifying question presented to people who have
25 provided public comment on this rule.

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1 MR. KWASNY: Robert Kwasny, R-o-b-e-r-t,
2 K-w-a-s-n-y.

3 HEARING OFFICER BACHMAN: You have one
4 minute.

5 MR. KWASNY: Right. So this is a question
6 for Robert Kwasny. Why isn't there -- and I missed
7 it, the first part. There's no provisions other
8 than, you know, a comment in March or April or
9 waiting for 60 days for video monitoring, for actual
10 steps just like we have in the nations. It's like in
11 the regular government buildings, there's nothing in
12 here that says we're going to have this much
13 security, it's going to be this, this is how we
14 monitor it. There's nothing like that.

15 Again, these rules are just one-sided. You
16 leave it open like that so that anybody can go in
17 past the security that's not specified and mess with
18 the votes. This is -- I've never seen anything like
19 this, and the rest of the country has never seen
20 anything like this. And the Civil Rights Act of New
21 Mexico --

22 HEARING OFFICER BACHMAN: Please conclude
23 your comments at this time.

24 MR. KWASNY: Okay. The Civil Rights Act of
25 New Mexico, again, makes you liable because you said

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1 there would be no second review. It was one of the
2 first things you said. There would be no second
3 review of this. This was it. This was done. And,
4 you know, \$2 million per aggrieved citizen, that's a
5 big payday for a whole lot of citizens.

6 HEARING OFFICER BACHMAN: That concludes
7 the public testimony on these rules. I want to ask
8 again and ensure that everyone who was present signed
9 the sign-in sheet. Please sign the sign-in sheet.
10 We need to account for every person that was here
11 today that provided testimony.

12 At this time, that attendance sheet will be
13 marked. Wait.

14 Has anyone signed -- knows that they
15 haven't signed? If you will walk back there and sign
16 really quick so I can enter the exhibits. If you'll
17 raise your hand, I think Ms. Vigil has it and can
18 bring it to you.

19 MS. VIGIL: All right. Ms. Bachman, I
20 would like to ask that the attendance sheet be
21 entered into the official record as Exhibit No. 19.
22 (Exhibit 19 admitted.)

23 HEARING OFFICER BACHMAN: Does anyone in
24 the audience have any questions about the attendance
25 sheet? Seeing none --

134 1 MS. DERRICK: I have a question. 2 HEARING OFFICER BACHMAN: Sure. 3 MS. DERRICK: What will it be used for, and 4 why do you need to know why we're here? 5 HEARING OFFICER BACHMAN: That's a great 6 question. The attendance sheet is a part of the 7 official rulemaking record. We're required to retain 8 that record for a certain period of time, and that's 9 pursuant to state law and state rules that exist for 10 the State Records Administration. 11 STATE SENATOR GALLEGOS: Total count. 12 HEARING OFFICER BACHMAN: Total count in 13 attendance. 14 MS. VIGIL: The total number of signatures 15 on this document is 22. 16 MS. DERRICK: I have another quick 17 question. If they're blotched or not readable, will 18 they be stricken from the record? 19 HEARING OFFICER BACHMAN: We will not be 20 making a modification to the sign-in sheet. 21 MS. DERRICK: So if you can't read the 22 names, do we count? 23 HEARING OFFICER BACHMAN: You will show up 24 as you sign, yes. 25 MR. KWASNY: Robert Kwasny, R-o-b-e-r-t,	136 1 discussion at a definite time in the future or may be 2 postponed indefinitely. 3 I would like to thank all members of the 4 public present for their participation in attendance 5 today. Let the record reflect that this hearing was 6 adjourned at 12:06 p.m. on August 4, 2023. Thank you 7 very much. 8 (The hearing adjourned at 12:06 p.m.) 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25
135 1 K-w-a-s-n-y. 2 So my last time up to the podium, I had 3 said that you had mentioned right at the very 4 beginning that there won't be a second rules meeting. 5 And I think there's been enough concern by so many 6 people that there ought to be another meeting because 7 there's so many changes that need to be done and 8 security and certification and the terms and 9 everything else. Do you feel there will be a second 10 meeting on these rules? 11 HEARING OFFICER BACHMAN: I do not. Thank 12 you for the comment. 13 We are going to move on with closing the 14 hearing. We will not be accepting additional 15 comments regarding the hearing process at this time. 16 There were questions allowed for the attendance sheet 17 only, so we're going to move forward. 18 The data and arguments and testimony 19 submitted during the rule hearing will be duly 20 considered by the Secretary of State's Office. Any 21 rules adopted by the Secretary of State will be filed 22 at the State Records and Archives Center in 23 accordance with the State Rules Act and the New 24 Mexico Register Publication Deadlines. Any rules or 25 amendments not adopted may be postponed for future	137 1 STATE OF NEW MEXICO) 2) ss 3 COUNTY OF SANTA FE) 4 5 REPORTER'S CERTIFICATE 6 I, Susan M. Hilton, New Mexico Certified 7 Shorthand Reporter, DO HEREBY CERTIFY that I did 8 report in stenographic shorthand the testimony set 9 forth herein, and the foregoing is a true and correct 10 transcription of the proceeding had upon the taking 11 of this hearing. 12 I FURTHER CERTIFY that I am neither employed by 13 nor related to any of the parties or attorneys in 14 this case, and that I have no interest whatsoever in 15 the final disposition of this case in any court. 16 17 _____ 18 Susan M. Hilton 19 BEAN & ASSOCIATES, INC. 20 NM Certified Court Reporter #108 21 License expires: 12/31/23 22 23 24 (8399N) SMH 25 Date taken: August 4, 2023 Proofread by: LR

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4 CASE CAPTION: Absentee Voting

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5 I, Susan M. Hilton, New Mexico Certified
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7 report in stenographic shorthand the testimony set
8 forth herein, and the foregoing is a true and correct
9 transcription of the proceeding had upon the taking
10 of this hearing.

11 I FURTHER CERTIFY that I am neither employed by
12 nor related to any of the parties or attorneys in
13 this case, and that I have no interest whatsoever in
14 the final disposition of this case in any court.

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16 Susan M. Hilton

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