

**MINUTES OF THE
SPECIAL MEETING CANVASSING ELECTION RESULTS
OF THE BOARD OF DIRECTORS OF THE
MIDDLE RIO GRANDE CONSERVANCY DISTRICT**

JUNE 11, 2021

**COVID-19 Response: This meeting was held telephonically;
the office is closed to the Public for General Board Meetings.**

Directors having been duly notified; Madam Chair Dunning called the regular meeting to order at 2:00 pm at the MRGCD General Office. The following Directors and Staff were present:

DIRECTORS		STAFF	
Karen Dunning, Madam Chair	Present	Mike Hamman	Chief Engineer/CEO
Joaquin Baca, Vice-Chair	Present	Lorna Wiggins	General Counsel
John Kelly, Director	Present	Jason Casuga	Chief Operations Officer
Valerie Moore, Director	Present	Pamela Fanelli	Secretary-Treasurer
Michael T. Sandoval, Director	Absent	DeAnna Philips	GIS Tech/Board Liaison
Barbara Baca, Director	Absent		
Stephanie Russo Baca, Director	Present		

The following names of individuals were interested viewers and/or participants:

Carter Harris	Theresa Davis, Albuquerque Journal
Simon T. "Scooter" Haynes	Unidentified Caller
Glen Duggins	

AGENDA ITEM NO. 1 – PLEDGE OF ALLEGIANCE

Director Moore led the Pledge of Allegiance at today's meeting.

Madam Chair Dunning declared a quorum although Directors Sandoval and Baca were not present. She noted that the meeting was publicly noticed. The meeting was held in the MRGCD Board Room with the attending Board Members in-person, as well as other staff and a couple of certified candidates, Simon "Scooter" Haynes and Glen Duggins.

AGENDA ITEM NO. 2 – APPROVAL OF THE AGENDA

There were suggestions to add a Public Comment section to the Agenda. Therefore, Item number 3 for Items from the Floor was added with all items moved down one item number.

Director Kelly made the **MOTION TO APPROVE THE MEETING AGENDA WITH THE ABOVE CHANGE**. Director Moore seconded the motion. **THE MOTION CARRIED UNANIMOUSLY.**

AGENDA ITEM NO. 3 – ITEMS FROM THE FLOOR (Comments are held to six (6) minutes)

Simon T. "Scooter" Haynes

Mr. Haynes stated that he had concerns with the MRGCD Board of Directors' election and described three significant issues: One, declaration of candidacy states that one's name may appear on the ballot as they are commonly known. I'm commonly known as

Scooter Haynes. And, therefore, I spoke with Ernie Marquez on April 29th, requesting that the ballot reflect my name as written on my declaration of candidacy. After some investigation, Ernie (Marquez) got back to me and agreed that my name should appear as Simon T. (Scooter) Haynes. He reported at the May 10th Board of Directors meeting that that would occur. Thereafter, the MRGCD election website was updated to reflect the change.

I relied on the representation that my name would appear on the ballot, as I discussed it with Ernie (Marquez), as it was presented to this Board and as it appeared on the website. My campaign one was run under my common name. Everything I did included Scooter on campaign materials, and nothing was printed with my proper legal name.

Unfortunately, when I went to early vote on June 4th, I discovered that the change to Scooter Haynes was not included on the early voting ballots. In fact, my name appeared only as Simon T. Haynes. I immediately contacted Ernie (Marquez), and the error was corrected for early voting as of June 5th, as well as for election day. I'm unaware if absentee ballots were correct or not; however, I've been told that they were.

Every single in-person early voter in Bernalillo County until June 5th was presented with the incorrect ballot. I know at a minimum that one voter voted for the wrong person as a result of the omission of my common name. I request that at a minimum, all early votes through June 4th, be invalidated due to this error.

I spoke to DeAnna (Philips) on election day regarding issue number two, to inquire about how candidates would receive election results. I was informed that she would email candidates a link, and she would be posting the unofficial results on the District website sometime after 7 p.m. Never was I invited nor informed that I could be present here at the District office to watch returns tabulated. However, my opponent Vice Chair Mr. Baca was here and posted pictures from the lobby of vote returns for a full 40 minutes before they were made available on the website or to the general public.

In fact, even though I've requested the unofficial early vote and absentee ballot tallies, they have still not been provided to me, but Mr. Baca was able to review them and was allowed to take pictures of them. Why was Mr. Baca allowed to be in the building? Why was he not removed? Why were we not provided fair and equal treatment?

The impropriety is inexcusable and should be considered misconduct. As a result, the entire election for Position No. 4 should be invalidated because of his impropriety and presence during tabulation and return processes.

Thirdly, while we're still investigating this third issue, I have reports of qualified electors that had difficulty voting, were turned away. I know we are currently investigating one specific instance where a qualified elector was prevented from voting.

There's an unusual situation that the Board of Directors is the Canvassing Board for their own election. Thus, I am requesting that the incumbent members of this Board that were up for reelection do the proper thing and recuse themselves from the upcoming vote. Unfortunately, you would not have a quorum, but the remaining

members should reject the declaration of results and should not certify this canvass due to the errors, deficiencies, and misconduct that occurred that undermines the election process and undermines the public trust in your Board.

I appreciate your time. My attorney, who practices in election law, Mr. Carter Harrison, and I stand for questions.

AGENDA ITEM NO. 4 – EXECUTIVE SESSION

- a. NMSA 1978 Open Meetings Act, Section 10-15-1(H)7
 - 1. Threatened or Pending Litigation

Executive Session was decided upon and added to the agenda after the Items from the Floor to discuss threatened or pending litigation in regard to election results for the Board of Director for Bernalillo County, Position No. 4.

Madam Chair Dunning requested a motion to move into Executive Session.

Director Moore made the **MOTION TO GO TO INTO EXECUTIVE SESSION.** Vice Chair Baca seconded the motion. The **MOTION CARRIED.**

Director Baca	Absent	Vice Chair Baca	*
Director Sandoval	Absent	Director Moore	Yes
Director Kelly	Yes	Director Russo Baca	Yes
Madam Chairwoman	Yes		

*Vice-Chair Baca recused himself from the Executive Session and left the Board room.

Madam Chair Dunning reconvened the meeting at 10:49am in which she requested a motion to move back into the regular Board meeting.

Director Kelly made the **MOTION TO RETURN TO REGULAR SESSION.** Director Russo Baca seconded the motion. Rollcall vote was administered with all members voting yes. The **MOTION CARRIED.**

During Executive Session, discussion ensued regarding threatened or pending litigation. No decisions were made, nor any votes taken during Executive Session.

AGENDA ITEM NO. 4 – CANVASSING OF RESULTS - Ernie Marquez, Automated Election Services

Lorna Wiggins recommended that MRGCD commit to fully investigating the allegations that was heard and invited and requested Mr. Haynes and counsel to provide MRGCD with relevant information and evidence that will be a part of that investigation. It is their choice, but Ms. Wiggins would very much appreciate their input and cooperation. Because of the serious allegations, this needs to be a priority matter for the MRGCD.

She suggested that a canvassing meeting be scheduled to occur on June 25th at 10:00 a.m. Depending upon the outcome of that canvassing meeting, MRGCD would have a Board Meeting on June 28th to swear in board members. This process allows staff and the Board adequate time to investigate these issues fully and fairly and then move forward, understanding that a two-week delay is granted but moving as quickly as we can to ensure the integrity of this election and the outcome.

Director Kelly made the **MOTION TO TABLE ITEMS 4 AND 5, CANVASSING OF RESULT AND MOTION TO APPROVE/DECLARATION OF RESULTS, AND THAT WE RECESS THIS MEETING UNTIL JUNE 25TH at 10 a.m.** Director Russo Baca seconded the motion. **THE MOTION CARRIED with Madam Chair Dunning abstaining from the vote.**

AGENDA ITEM NO. 5 – MOTION TO APPROVE DECLARATION OF RESULTS / CERTIFICATION OF OFFICIAL CANVASS

Please see above Motion in Item 4 to table this topic until June 25th at 10 a.m.

With no further comments, questions or concerns, Madam Chair Dunning adjourned the meeting at 10:58 a.m.

Approved to be the correct Minutes of the Board of Directors of June 25, 2021.

ATTESTED:

Pamela Fanelli, CMA, CGFM
Secretary/Treasurer

Karen Dunning, Madam Chair
MRGCD Board of Directors