

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

**JUNE 25, 2021**

Directors having been duly notified; Madam Chair Dunning called the regular meeting to order at 10:00 a.m. at the MRGCD General Office. The following Directors and Staff were present:

<b>DIRECTORS</b>		<b>STAFF</b>	
Karen Dunning, Madam Chair	Present	Mike Hamman	Chief Engineer/CEO
Joaquin Baca, Vice-Chair	Present	Lorna Wiggins	General Counsel
John Kelly, Director	Present	Patty Williams	General Counsel
Valerie Moore, Director	Present	Jason Casuga	Chief Operations Officer
Michael T. Sandoval, Director	Present	Pamela Fanelli	Secretary-Treasurer/CFO
Barbara Baca, Director	Present	Tarah Jaramillo	A/P & A/R Clerk
Stephanie Russo Baca, Director	Present		

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

Ernie Marquez, Automated Election Services	Kathy Cook
Greg Prudencio, Automated Election Services	Glen Duggins
Eli Lovato, Automated Election Services	John Thompson, MRGCD Lobbyist
Néri Holguin	Alicia Lopez, MRGCD
Dede Feldman	Judy McSweeney, MRGCD
Simon T. (Scooter) Haynes	Rick Altenberg, MRGCD
Carter Harrison	Doug Stretch, MRGCD
Ray Vargas	DeAnna Philips, MRGCD

**AGENDA ITEM NO. 1 – PLEDGE OF ALLEGIANCE**

Madam Chair Dunning declared a quorum, and the meeting was publicly noticed.

Former Senator Dede Feldman led the Pledge of Allegiance at today's meeting.

**AGENDA ITEM NO. 2 – APPROVAL OF THE AGENDA**

Mike Hamman asked that Item 7, Executive Session, be added to the agenda, which would make adjournment Item 8.

Vice Chair Baca 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 – REPORT FROM THE MRGCD ATTORNEY - General Counsel**

Lorna Wiggins delivered her report regarding the investigation that her office conducted, the evidence that was gathered, and in places where they weren't able to assemble information, shared that with the Board, and then gave conclusions and what they thought were appropriate recommendations.

Ms. Wiggins noted for the record that with her was her law partner, Patty Williams, with the firm of Wiggins, Williams & Wiggins, who serve as the general counsel for the MRGCD.

She then continued saying, "And as, Madam Chair noted, at the June 11th special meeting, canvassing the election results, Candidate Simon Haynes, also known as Scooter, who I note is here with us in the audience, raised three issues for the Board's consideration and one additional question. And the three issues he raised went to the integrity of the June 8th election, specifically for position number 4. The question that Mr. Haynes raised went to the question regarding the canvassing process that the Board employs after an election has been concluded. We will start with each of these issues and take them in turn.

The first issue addresses the name that appeared on certain of the ballots for position 4, for the election. Despite assurances to Mr. Haynes by MRGCD's election services vendor, which is Ernie Marquez of Automated Election Services, the ballots available to early voters through June 4th failed to include Mr. Haynes common name or nickname, Scooter.

Mr. Haynes acknowledged at our earlier meeting on June 11th, that the ballot error was corrected on the day it was called to the attention of the election services provider and MRGCD. So that ballots that were available on June 5th, still a part of the early voting, were correct, but the early voting ballots cast prior to June 5th were incorrect.

Mr. Haynes also questioned whether the absentee ballots that were used in connection with the election contained both names or just his legal name.

Mr. Haynes further informed the Board that at that time, he was aware of at least one individual who he believed voted for the wrong candidate.

As a part of the investigation, we gathered certain evidence and confirmed that Mr. Haynes was, indeed, correct. Until June 5th, the early voting ballots failed to include both names. We also confirmed that the absentee ballots did in fact have both Simon T. and Scooter. So, both the legal and common names were correct on the absentee ballots. And then, we have also confirmed that the ballots used on election day were correct.

That means that the issue as to names only goes to those early voters. There is no question that staff for the MRGCD and Mr. Marquez acknowledge that there was an error on the early voting ballots. That was, as I mentioned, not corrected until June 5th.

In connection with this investigation, we asked and Mr. Haynes counsel, Carter Harrison, provided us with information, including two different cases so that we could consider them as we look at this issue. Mr. Harrison provided us with cases, one from the state of Georgia and one from New Mexico.

The case from the state of Georgia is Mead v. Sheffield, which is a 2004 case from the Georgia Supreme Court. And in that case, the Georgia Supreme Court determined that the name Thomas Mead had appeared on a ballot instead of the candidate's correct name, which was Howard Mead. And there was some question about whether that error in the name had resulted in changing the outcome of a judicial race that was in question. In that case, the Georgia Court analyzed the issues and made a decision, which obviously pertains to those courts within the state of Georgia.

The second case that Mr. Harrison shared was a New Mexico case, and that's the case of Gunaji v. Macias. In Gunaji, the New Mexico Supreme Court held that where there was a

precinct that had 66 voters who voted on an improperly-printed ballot, which contained the totally wrong names, and 112 voters who voted on the correct ballot for the race, the proper remedy under those circumstances was not to hold another election but instead the Supreme Court said was to reject the votes in that precinct.

Now, as I noted, the Georgia case is an interesting read, but it is not binding in New Mexico. And it is not something that we believe this Board needs to consider binding on the Board. We also note that in Gunaji, the Supreme Court found that an error by the County Clerk caused a number of the invalid votes to be cast greater than the margin of victory in that precinct. And the Court found that because of that error, the remedy, because of that particular set of facts and the way that case was postured, was to reject those precinct votes. It's important to note that the votes cast in that precinct did not change the overall outcome of the case in Gunaji.

We also note that there is no question that the facts in Gunaji are not squarely on point with the facts before the Board, and any lawyer will tell you that we can distinguish pretty handily just about any case that might at first blush appear to be on point and, therefore, binding.

In looking at the votes, we determined that there were a total of 964 votes that were cast for position number 4, and that out of those early voting votes, Mr. Haynes received 226 and Mr. Baca received 738. If all of the 738 votes that were cast in favor of Mr. Baca were omitted from the vote tally, Mr. Baca would nevertheless win the election. According to our math, it would be 350 votes for Mr. Haynes to 871 votes for Mr. Baca. We believe if you apply strictly the Gunaji decision and look at it as helpful and binding decision that this Board should consider, a New Mexico Court may hold that the votes cast during the early election should be rejected, rather than the Board decide to hold another election.

In conclusion as to issue number one, we were unable to find any evidence supporting an allegation that votes were miscast. We did not find anyone who came forward and confirmed that he or she or they voted for the wrong person. We also concluded that the omission of Mr. Haynes' common or nickname does not appear to have affected the outcome of the election. If those totals are omitted from the final count, the outcome is the same. Frankly, Mr. Baca won the election for position 4 handily.

The recommendation that the firm is making at this time is because of the New Mexico Supreme Court decision in Gunaji, we recommend that the Board consider rejecting the votes cast during the early voting period for position number 4 and certify Mr. Baca's tally at 871 votes and Mr. Haynes' tally at 350.

There is no question in our collective judgment that the outcome of the vote would have been the same, had the nickname or common name be included on the ballot throughout the course of the entire election.

I'm going to move now to the second issue that Mr. Haynes raised during the June 11th meeting. And that was that Mr. Baca was allowed early access to election results and that Mr. Baca was present during the tabulation of those votes that took place here at the MRGCD offices on the day of the election.

Mr. Haynes also alleged that because Mr. Baca had immediate access to the results while he did not, he felt that he was not being treated fairly, and he believed that the treatment was unequal.

In response to this issue, the evidence that we gathered included the following: We learned and confirmed that election results were tabulated by Mr. Marquez at the boardroom, the room we're standing in today, following the closure of the polls on June 8th. We determined that during the tabulation of those votes, the boardroom was open only to Mr. Marquez and his staff. MRGCD staff may have been in and out, but we confirmed with certainty that at no time was Mr. Baca in the room. Mr. Baca was, indeed, at the MRGCD offices on election night as Mr. Haynes suggested and, no doubt, saw the election results as they became available to those who were in attendance at the MRGCD offices.

We had the staff poll the MRGCD security camera video, and that video camera shows the following: Mr. Baca did not arrive at the MRGCD offices until 7:03 p.m. That means Mr. Baca arrived after the polls closed. Mr. Baca left the MRGCD offices at 7:51 p.m. During that time, Mr. Baca was either in the lobby area or in the area called GIS. At no time was he in the room while votes were being tabulated.

We also were able to confirm with MRGCD staff that no invitations were extended to those who were candidates in the election. No invitations were extended to any member of the public to gather at the MRGCD offices to receive election results as they became available. We determined that, in fact, any member of the public could have been at the offices that evening, including Mr. Haynes or anyone else had they chosen to look for election results as that information was available at our offices. No one was removed because it's a public building. We concluded that Mr. Baca's presence at the MRGCD office had no bearing on the outcome of the election, and his presence cannot be considered misconduct.

As noted above Mr. Haynes alleged that it was unfair that Mr. Baca had access to election results immediately while he may not have. And while it is true that Mr. Baca likely saw results earlier than Mr. Haynes, it did not impact the election, its outcome, or its integrity.

We do have a recommendation regarding the issue number two. And that is in the future, so there is no misunderstanding among candidates, the MRGCD may wish to consider making it clear to all candidates whether they are welcomed or invited or maybe present if they elect to come to the MRGCD offices and hear results as that information becomes available. In the alternative, the Board or staff might want to instruct the candidates that we have chosen to have no one gather at the premises to hear the election results.

In either event, we think clarity on this issue might be helpful, so that it's not something that occurs in the future.

The third issue that Mr. Haynes raised was whether qualified electors who would otherwise be eligible to cast a vote on June 8th, or in early voting, were turned away.

The evidence that we gathered is largely based on information that Mr. Harrison has provided to us. And Mr. Harrison informed us as follows: He said it was his understanding that Mr. Moorehead showed up at the polls, and Mr. Moorehead was told that he was not on the list. He was asked to look at a map that was available at the early voting polling location to determine whether his property was in the red lines. And Mr. Harrison confirmed in his email to me that this Mr. Moorehead did believe his property was located within the red lines, which we take to be within the benefited area.

According to Mr. Harrison, Mr. Moorehead was informed that the information that he shared that he was within the red lines was being conveyed to headquarters and that, you know, it would be confirmed. At that point, Mr. Moorehead left without having heard anything back. And it was

Mr. Harrison's recollection that when headquarters did not have an immediate answer as to his eligibility, some poll worker told Mr. Moorehead that someone would reach out to Mr. Moorehead and that never happened.

We have been unable to confirm that Mr. Moorehead was promised a return phone call that was never made. We have however, confirmed that Mr. Moorehead's property is held in a trust. The name of that trust is the Family Moorehead Revocable Trust, and it is not held in his individual name. The only one who could vote on behalf of the Revocable Trust is obviously a trustee. And we were able to determine that it is MRGCD's consistent practice to instruct poll workers to provide individuals who ask to vote on behalf of a trust, a provisional ballot, so that if there's any question of their status as a trustee, that issue can be sorted out, and then the determination as to whether that provisional ballot should be counted can be made.

So, we've confirmed that no trustee of the Family Moorehead Trust voted in the election. But as I say, we've been unable to confirm whether any poll worker offered a provisional ballot. Otherwise, beyond the issue involving Mr. Moorehead, we were not able to find any evidence that any other qualified or another qualified elector was denied a ballot or a provisional ballot during early voting or on the actual day of the election.

Our conclusion that we reached on the third issue that Mr. Haynes raised, therefore, was that we found no evidence that multiple qualified electors were denied the right to vote. We could not substantiate that claim. We do believe though, based on the information that was provided to Mr. Harrison, it appears that no trustee on behalf of the Family Moorehead Revocable Trust voted.

The fourth issue that Mr. Haynes raised was a question that doesn't necessarily go to the integrity of the election, as I understand it, but goes to the process that we use here today. And Mr. Haynes questioned why the MRGCD Board of Director acts as the canvassing board for the election reports. And that's a really good question.

So, what we were able to determine is that it's been a historical practice of the District that the current members of the Board sit and act as the canvassing board, regardless of whether that person is a candidate or, you know, one who's not up for reelection. We've not found any authority that establishes that this practice is contrary to the law, but we do recommend that the current board members who are candidates in contested election, Ms. Dunning and Mr. Baca, recuse themselves as canvassing members as appropriate. And with them recusing themselves as appropriate, we still have a quorum to make further decisions and act as a Board.

The final issue that Mr. Haynes counsel addressed with me was whether it was established fact that MRGCD elections will be managed by the county clerk going forward. And the reason that's an important question is because of my conversations with Mr. Harrison, I noted that some of Mr. Haynes issues seem to go to perhaps systemic issues with how the MRGCD conducts its own elections and that in the future, specifically in 2022, if the county clerk's office is handling that responsibility, then there is not the same concern about addressing systemic issues, because it will be the county clerk's job and obligation to handle the election. And we have noted that Mr. Harrison asked about how the 2018 versus the 2019 versus the 2022 versions of the definition of a local government evolve in the Local Elections Act. And I would give you all the citations, but because only Mr. Harrison, Patty, and I are likely interested in the actual citations, I'll give you sort of the bottom line.

At the time the Amendment to the Local Elections Act was enacted, it expressly excluded "conservancy districts" from the definition of local government. According to our understanding of the legislators who sponsored this bill and who sponsored the legislation, that was intended to allow MRGCD some time to sort out the issue of how qualified electors will be addressed by the county clerks.

Once that language drops out, the exception drops out. We believe it's clear that thereafter, and that will be beginning July 1, 2022, conservancy districts are, in fact, included in the definition of a local government and, therefore, will be subject to the Local Election Act. That is a summary of the evidence that we have gathered and the conclusions and the recommendations that we have made. Thank you.

Director Kelly questioned whether or not Mr. Haynes legal name, Simon T. Haynes, was on every ballot (absentee, early voting and day of election) to which Ms. Wiggins replied yes. Discussion was had on how many people voted on June 5<sup>th</sup> versus the prior days of early voting.

Director Baca asked Ms. Wiggins about the Local Elections Act and how the MRGCD will run future elections. Ms. Wiggins replied that the issue to ensure that the county has the correct voter rolls because it's not straightforward regarding what is a qualified elector. However, it will be the county clerk's job to determine what name appears on the ballot. The county clerk will no longer look at MRGCD Rule 20, although this could be an opportunity to make the determination whether the rule could be refined or not.

#### **AGENDA ITEM NO. 4 – ITEMS FROM THE FLOOR** (Comments are held to six (6) minutes)

##### **Simon T. (Scooter) Haynes**

Mr. Haynes introduced himself and thanked the Board for taking the time to investigate his complaints and appreciated the thoroughness of Lorna Wiggins' report. He believes the Local Election Act will remedy number of systemic issues that occur within MRGCD elections including canvassing their own elections. He asked that, while it will not change the outcome of the election, he would like for the Board to follow Ms. Wiggins' recommendation of removal of the early election results.

##### **Former Senator Dede Feldman**

Ms. Feldman introduced herself as a rate payer, as a lover of the Bosque, and one of thousands within Bernalillo County that walks the ditches. She thanked Madam Chair Dunning, Vice Chair Baca, and Director Baca for coming out to her neighborhood after a woman was killed in the ditch crossing of the Alameda Drain at Indian School Road. The City of Albuquerque is now striping Indian School Road in the North Valley.

She came today as one of the early voters and asked that the Board not follow through with counsel's recommendation to throw out the early votes. She views this as a voting rights issue, and she asked that her vote not be thrown out. In the last 15 years, she has spent a lot of time trying to interest people in the Conservancy District, trying to get them to vote in MRGCD elections, which have the lowest voter turnouts in the state. She believes MRGCD now can assume its rightful place as a partner with other local governments. She thinks it would be a change of history and urged the Board to reject the recommendation to change the results of the election.

**Ray Vargas**

Mr. Vargas introduced himself as an election law attorney and a former general counsel for MRGCD. He asked that the Board not follow Ms. Wiggins' recommendation of throwing out 964 qualified votes. He believes doing so would deny those people their Constitutional Rights, and he believes there is no legal basis or factual basis to do so here. He quoted NM Statutory law and also discussed Gunaji a little further. He did some investigating of his own and found that Mr. Haynes is listed under his home address as "Simon T. Haynes" at the county clerk as well as the county assessor's office. Since the qualified elector list gets its information from those sources, he believes the name, as it stands is the correct name to use on the ballot. He, therefore, believes the votes are valid. He, again, reiterated that the Board leave the valid votes in place and allow the election to continue.

**Common Cause**

Director Baca read a letter into the record from Viki Harrison, Director of State Operations of Common Cause. Before Director Baca read the letter into the record, she noted for herself that she believes that clearly the early votes in this election count. She thinks MRGCD cannot disenfranchise almost 1,000 of early voters.

The letter went over all of the facts of the election and its numbers. Common Cause's stance is that if the District acceded to Mr. Haynes' demand, the District would disenfranchise approximately 44.1% of the electorate without recourse, advance warning, or opportunity to testify about the District's drastic decision. Ironically, the result of the District 4 election would not change. They believe that this would be a disaster for voters in this low-turnout election and would discourage future participation. It would also serve to the public as proof that the District is incapable of running its own elections. They also understand the unique nature of MRGCD elections; however, they think some of this unique nature will be remedied by the passage of the Local Elections Law. They regretted the position the Board is being put into but urged the Board to do the right thing and certify the results of the voters cast by *all* voters in this election, including those cast early.



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TO: BOARD MEMBERS, MIDDLE RIO GRANDE CONSERVANCY DISTRICT

FROM: VIKI HARRISON, DIRECTOR OF STATE OPERATIONS, COMMON CAUSE

DATE: JUNE 25, 2021

SUBJECT: VOTING RIGHTS

Dear MRGCD Commissioners:

It has come to our attention that the results of the June 8 election for four positions on the Board of Directors of the Middle Rio Grande Conservancy District (MRGCD) are to be canvassed at a special meeting of the Board on June 25, 2021. We understand from both the June 11 Board meeting and media coverage of the election that Mr. Simon Haynes, a candidate for position number 4, is asking that early ballots in that race not be counted because his nickname "Scooter" was not listed on all early ballots.

Mr. Haynes indicated he was promised by a representative of Automated Election Services, the District's election vendor, that his nickname could be used—a practice that is not followed by election administrators for other state and local elections, unless their voter registration includes such name. This is the major basis upon which a large block of voters in this district are to have their ballots discarded, as if they were never cast at all.

According to the MRGCD website results of that election are Simon (Scooter) Hayes 571 votes and Joaquin Baca 1583 votes. Early votes cast, which were reported early in the evening of the election, accounted for 964 voters, with 738 for Baca and 226 for Haynes. The remaining votes favored Mr. Baca 871 to Mr. Hayes' 350.

If the District acceded to Mr. Haynes demand, the District would be disenfranchising approximately 44.1% of the electorate, without recourse, advance warning or opportunity to testify about the District's drastic decision.

Ironically, the result of the District 4 election would not change. The only change would be the denial of voting rights to 964 of the district's voters.

This would be a disaster for voters in this low-turnout election and would discourage future participation. It would serve further as proof to the public that the district is incapable of running its own elections, and hence undermine the confidence in all elections.

We know that the MRGCD elections are unique. They are currently not run by the County, and do not always follow state law—a discrepancy that we hope has been remedied by the passage of the 2018 Local Elections Act.

It is also regrettable that you, as a Board, are called upon to canvas the results of your own election, another problem we hope is resolved by the new state law. Nonetheless, we urge you to do the right thing in this instance and certify the results of votes cast by *all* voters in this election, including those cast early.

Thank you for your consideration.

Viki Harrison, Director of State Operations  
Common Cause

*Common Cause is a nonpartisan grassroots organization dedicated to upholding the core values of American democracy. We work to create open, honest, and accountable government that serves the public interest; promote equal rights, opportunity, and representation for all; and empower all people to make their voices heard as equals in the political process.*

## **Joaquin Baca**

Vice Chair Baca wrote a letter that he read into the record. He went over what has been going on across the country with election laws and noted that we have all seen too many losing candidates baselessly contesting election results. He believes that Mr. Haynes is calling the results into question because he does not like the results. Vice Chair Baca noted that he will not recuse himself from any motion to decide whether to invalidate early voting, even if it has to do with his race. He will, however, recuse himself from the canvassing board to certify the election results in his race. He believes the outcome of



the election was legitimate; saying the voters have spoken.

June 25, 2021

Last year we saw the most secure election in the history of the United States. Since then, we have seen too many losing candidates baselessly contest election results across the nation, including here New Mexico and in down ballot races calling into question the integrity of our elections. These Big Lies are leading to the erosion of our democracy. AES concedes it made a mistake by not including Mr. Simon Haynes preferred nickname "Scooter" on some of the Early Vote ballots, however, with or without those votes the result is the same: Simon Haynes lost handily with the same margin as his partner who he ran with as a slate.

Like the pattern that is spreading across the nation, Mr. Haynes is calling into question the integrity of an election simply because he does not like the results. Moreover, Mr. Haynes seems to want it both ways. Without evidence he claims that eligible voters were disenfranchised and turned away at the polls while simultaneously requesting all results be invalidated. It's hypocritical and appalling to suggest that legal votes should not count. To invalidate or toss out votes would disenfranchise hundreds of voters, ultimately undermining confidence in all elections.

Therefore, I will not recuse myself on the motion to decide whether to invalidate the early vote—even though that vote has to do with my race. (We already know discarding votes does not impact the results.) I will not sit on the sidelines while 45% of legally cast votes could be invalidated.

However, I will recuse myself as a member of the canvassing board, from voting to certify the election results in my race.

As a veteran, I know what it is to sign that blank check, "up to and including my life" in order to serve our nation. Right now, voter suppression laws being enacted in other states, and legitimate elections being called into question, and I am alarmed. Those who truly care about our democracy should work to improve access so more people vote in elections, not the other way around.

I have two young boys, and it never leaves my mind that I must provide them with the tools necessary to succeed, and simultaneously, teach them sportsmanship and graciousness in loss. Our greatest lessons come in our defeats, both as a lesson for how we might improve and more importantly, how to carry ourselves in our most difficult moments. Having been entrusted by our community with leadership at the Conservancy District, I take my responsibility to be a positive example to our community and my boys seriously.

The outcome of this election was legitimate: the voters have spoken. I am grateful for their faith and confidence in my continued leadership on this Board.

Joaquin Baca, Vice Chair Board of Directors, MRGCD

## **AGENDA ITEM NO. 5 – CANVASSING OF THE RESULTS - Ernie Marquez, Automated Election Services**

Mr. Marquez provided to the Board the election results including and excluding early voting.

	<i>included</i>	<i>excluded</i>
<b>Position No 3 - Bernalillo County</b>		
Karen Dunning	1,585	
Julia L. Maccini	603	
<b>Position No 4 - Bernalillo County</b>		
Simon T. Haynes	576	350
Joaquin Baca	1,609	870

**Position No - Socorro County**

Steven Sichler	211
Glen Duggins	242

**Position No 7 - Sandoval County**

Michael T. Sandoval	182
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**AGENDA ITEM NO. 6 – MOTION TO APPROVE DECLARATION OF RESULTS / CERTIFICATION OF OFFICIAL CANVASS**

Madam Chair Dunning is recommending that incumbents not canvass their own election results. As such, she requested that a motion and vote occur for each District (or position) individually or separately.

Director Kelly made the **MOTION TO ACCEPT THE OFFICIAL ELECTION RESULTS FOR POSITION NO. 3, WITH KAREN DUNNING AT 1,585 VOTES AND JULIA L. MACCINI AT 603 VOTES.** Director Moore seconded the motion. All Board Members voted aye, with the exception of Karen Dunning, who abstained from the vote. The **MOTION CARRIED.**

Director Kelly made the **MOTION TO ACCEPT THE OFFICIAL ELECTION RESULTS FOR POSITION NO. 6, WITH GLEN DUGGINS AT 242 VOTES AND WITH STEVEN SICHLER AT 211 VOTES.** Director Moore seconded the motion. All Board Members voted aye. The **MOTION CARRIED.**

Director Kelly made the **MOTION TO ACCEPT THE OFFICIAL ELECTION RESULTS FOR POSITION NO. 7, WITH MICHAEL T. SANDOVAL AT 182 VOTES.** Director Moore seconded the motion. All Board voted aye, with the exception of Michael T. Sandoval, who abstained from the vote. The **MOTION CARRIED.**

Director Kelly made the **MOTION TO ACCEPT THE OFFICIAL ELECTION RESULTS FOR POSITION NO. 4, WITH JOAQUIN BACA AT 1,609 VOTES AND WITH SIMON T. "SCOOTER" HAYNES AT 576 VOTES.** Director Barbara Baca seconded the motion. Discussion ensued.

Director Kelly can only accept the official results because one would have to split out as well part of the votes for June 5<sup>th</sup>. Since one cannot do that, he believes all votes must be counted.

Director Barbara Baca noted part of her opinion up in the Comments from the Floor section, under Common Cause, but she added that she feels very strongly that every vote must count and that early voting is extremely important in this race, and we cannot be in the position of throwing out votes. She supports the motion.

Director Sandoval supports the motion and approves the results of the election for position 4.

Vice-Chair Joaquin Baca made no comment, as he recused himself from the vote.

Director Moore is saddened that all of this happened. It was a terrible mistake and should not have been made. However, as a citizen of the United States of America and the great state of New Mexico, she will not be part of disenfranchising voters. She supports the motion made by Director Kelly to canvass and keep the official election results.

Director Russo Baca appreciates Ms. Wiggins' analysis; however, she respectfully disagrees with her recommendation. She also noted that Simon T. Haynes' legal name was noted for the qualified elector information and, therefore, on the ballot correctly.

Madam Chair Dunning recognized that on behalf of the MRGCD a mistake was made, but to her, the remedy is not to disenfranchise voters. She supports Director Kelly's motion to accept the official election results.

Madam Chair Dunning called for a vote. All Board Members voted aye, with the exception of Joaquin Baca, who abstained from the vote. The **MOTION CARRIED**.

Mr. Ernie Marquez approached the Board and apologized for the company (Automated Election Services) for the issues and the incident that occurred and proceeded to pass the official Board of Directors 2021 election results for the Board to certify.



**Middle Rio Grande Conservancy District**  
**Board of Directors Election**  
 Tuesday, June 08, 2021

**OFFICIAL ELECTION RESULTS**

BERNALILLO COUNTY DIRECTOR POSITION NUMBER 3		
KAREN DUNNING	1585	72.44%
JULIA L. MACCINI	603	27.56%
BERNALILLO COUNTY DIRECTOR POSITION NUMBER 4		
SIMON T. (SCOOTER) HAYNES	576	26.36%
JOAQUIN BACA	1609	73.64%
SOCORRO COUNTY DIRECTOR POSITION NUMBER 6		
STEVEN SICHLER	211	46.58%
GLEN DUGGINS	242	53.42%
SANDOVAL COUNTY DIRECTOR POSITION NUMBER 7		
MICHAEL T. SANDOVAL	182	100.00%

Total ballots cast for the 2021 Middle Rio Grande Conservancy District Election - 2835

**ELECTION CERTIFICATION**

We, the undersigned Canvassing Board of the Middle Rio Grande Conservancy District, do hereby certify the above to be a true and accurate abstract of the votes cast for the candidates shown herein for the election held on Tuesday, June 8, 2021. We further certify that said election was conducted pursuant to Article 14 NMSA, 1978 and Rule 20 as Amended.

**AGENDA ITEM NO. 7 – EXECUTIVE SESSION**

**a. NMSA 1978 Open Meetings Act, Section 10-15-1(H)7**

**1. Threatened or Pending Litigation**

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

Director Baca made the **MOTION TO GO TO INTO EXECUTIVE SESSION.** Director Russo Baca seconded the motion. Rollcall vote was administered with all members voting yes. The **MOTION CARRIED.**

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

Madam Chair Dunning Adjourned the meeting at 10:27 am.

Madam Chair Dunning reconvened the meeting at 10:47 am.

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

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

During Executive Session, updates were given on threatened or pending litigation. No decisions were made, nor any votes taken during Executive Session.

With no further comments, questions or concerns, Madam Chair Dunning adjourned the meeting at 10:48 am

Approved to be the correct Minutes of the Special Meeting Canvassing Election Results of the Board of Directors of June 25, 2021.

**ATTESTED:**

\_\_\_\_\_  
Pamela Fanelli, CMA, CGFM  
Secretary/Treasurer

\_\_\_\_\_  
Chairperson  
MRGCD Board of Directors