CREW

CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

June 20, 2024

BY EMAIL: jarellano@co.otero.nm.us
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Otero County
Records Custodian
1101 New York Avenue
Alamogordo, NM 88310-6935

RE: Public Records Act Request

Dear Records Custodian:

Pursuant to the New Mexico Inspection of Public Records Act (IPRA), NMSA 1978, Chapter 14, Article 2, Citizens for Responsibility and Ethics ("CREW") makes the following request for copies of public records.

Requested Records

All records November 1, 2020 to the date this request is processed sent by or to Gerald Matherly or Vickie Marquardt mentioning any of the following terms:

- Hand count
- In-person voting
- Mail-in voting
- Mail-in ballots
- Vote by mail
- Voting by mail
- Paper ballots
- Security
- Secure
- Audit
- Signature verification
- Ballot duplication
- Rigged
- Overturn

- Overturning
- Election integrity
- Anomaly
- Anomalies
- Ballot drop boxes
- Stop the steal
- Stolen
- Illegals
- Soros
- Certify
- Certified
- Certification

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, such as paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, telephone conversations, discussions, voice mail messages, and transcripts, including those on devices in the personal custody of your officials, such as personal email accounts or text messages. Records of official business conducted using unofficial systems or stores outside of official files are subject to the IPRA.[1] Our request also includes any attachments to emails and other records, as well as those who were cc'ed or bcc'ed on any emails.

In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. NMSA § 14-2-9(A). If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release and cite each specific exemption you feel justifies the refusal to release the information and notify CREW of the appeal procedures available under the law.

This request is made for noncommercial purposes. CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the public's right to be aware of the activities of government officials, to ensuring the integrity of those officials, and to highlighting and reducing the influence of money on politics, and the public's understanding of the government's activities would be enhanced through CREW's analysis and publication of these records. The release of information obtained through this request is not in CREW's financial interest.

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[1] *See* Office of the New Mexico Attorney General, *Inspection of Public Records Act Compliance Guide*, at 26 (8th ed. 2015) ("if email is used to conduct public business, the email is a public record even though a personal account is used").

CREW requests a waiver of fees associated with processing this request for records. Disclosure of the requested records is in the public interest because CREW intends to analyze the information responsive to this request and to share its analysis with the public. The public has a significant interest in the certification of elections in New Mexico, including the activities of those tasked with overseeing elections who may be involved in efforts to undermine public confidence in elections in New Mexico. The requested records would contribute to public understanding of operations of the government, including whether New Mexico public officials have communicated with external entities and individuals engaged in efforts to cast doubt on election results.

CREW routinely disseminates information obtained through records requests to the public in several ways. For example, CREW's website receives hundreds of thousands of page views every month. The website includes blogposts that report on and analyze newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. These reports frequently rely on government records obtained through records requests. CREW also posts the documents it obtains through records requests on its website.

If CREW's fee waiver is denied and costs or fees for copying and postage charges in connection with processing this request are expected to exceed $100, please contact me at (202) 408-5565 or jpilant@citizensforethics.org.

Conclusion

CREW requests that Otero County produce the records within three business days. NMSA § 14-2-8. If inspection is not permitted within three business days, please explain in writing when the records will be available or when you will respond to the request. *Id.* In any event, please make the records available no later than fifteen days after receipt of this request. *Id.* If you have any questions about this request or foresee any problems in fully releasing the requested records, please email me at [redacted] or call me at (202) 408-5565.

Where possible, please produce records in electronic format. Please send the requested records to foia@citizensforethics.org or by mail to Jordan Pilant, Citizens for Responsibility and Ethics in Washington[redacted].

Sincerely,

Jordan Pilant

Jordan Pilant