

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

CELIA VALDEZ GRACIELA GRAJEDA,)
ROANNA BEGAY, JESSE RODRIGUEZ,)
and COMMUNITY ORGANIZATIONS FOR)
REFORM NOW)

Plaintiffs,)

Civil Action No: 1:09-cv-00688 LAM/DJS

v.)

MARY HERRERA, in her official capacity as)
New Mexico Secretary of State, PAMELA S.)
HYDE in her official capacity as Secretary of)
New Mexico Human Services Department,)
FRED SANDOVAL in his official capacity as)
The Director of the Income Support Division)
of the New Mexico Human Services Department,)
CAROLYN INGRAM, in her official capacity)
As the Director of the Medical Assistance Division)
of the New Mexico Human Services Department,)
RICK HOMANS, in his capacity as the Secretary)
of the New Mexico Taxation and Revenue)
Department, and MICHAEL SANDOVAL, in his)
official capacity as the Director of the Motor)
Vehicle Division of the New Mexico Taxation)
and Revenue Department,)

Defendants.)

ANSWER OF DEFENDANT MARY HERRERA

TO THE HONORABLE COURT:

Defendant Mary Herrera hereby files her Answer to Plaintiffs' Complaint and would respectfully show the Court as follows:

INTRODUCTION¹

1. Paragraph 1 does not contain factual allegations such that Defendant is required to either admit or deny them. To the extent Paragraph 1 does contain such allegations, Defendant denies those allegations.

2. Paragraph 2 does not contain factual allegations such that Defendant is required to either admit or deny them. To the extent Paragraph 2 does contain such allegations, Defendant denies those allegations.

3. Paragraph 3 does not contain factual allegations such that Defendant is required to either admit or deny them. To the extent Paragraph 3 does contain such allegations, Defendant denies those allegations.

4. Defendant does not have sufficient information to either admit or deny the allegations in Paragraph 4.

5. Paragraph 5 does not contain factual allegations such that Defendant is required to either admit or deny them. To the extent Paragraph 5 does contain such allegations, Defendant denies those allegations.

6. Paragraph 6 does not contain factual allegations such that Defendant is required to either admit or deny them. To the extent Paragraph 6 does contain such allegations, Defendant denies those allegations.

7. Paragraph 7 does not contain factual allegations such that Defendant is required to either admit or deny them. To the extent Paragraph 7 does contain such allegations, Defendant denies those allegations.

¹ For ease of reference, this Answer uses the same top level headings used by Plaintiffs' in their Complaint. Defendant does not adopt any allegations that may be contained in those headings. To the extent those headings contain any factual allegations, Defendant denies those allegations.

8. Paragraph 8 does not contain factual allegations such that Defendant is required to either admit or deny them. To the extent Paragraph 8 does contain such allegations, Defendant denies those allegations.

9. Defendant does not have sufficient information to either admit or deny the allegations in Paragraph 9.

10. Defendant denies the allegations in paragraph 10.

11. Defendant denies that is has failed to provide voter registration services required by the National Voter Registration Act. Defendant does not have sufficient information to either admit or deny the remaining allegations in Paragraph 11.

12. Defendant admits the allegations in Paragraph 12.

PARTIES

13. Defendant does not have sufficient information to either admit or deny the allegations in Paragraph 13.

14. Defendant does not have sufficient information to either admit or deny the allegations in Paragraph 14.

15. Defendant does not have sufficient information to either admit or deny the allegations in Paragraph 15.

16. Defendant does not have sufficient information to either admit or deny the allegations in Paragraph 16.

17. Defendant does not have sufficient information to either admit or deny the allegations in Paragraph 17.

18. Defendant does not have sufficient information to either admit or deny the allegations in Paragraph 18.

19. Defendant denies that is has failed to provide voter registration services required by the National Voter Registration Act. Defendant does not have sufficient information to either admit or deny the remaining allegations in Paragraph 19.

20. Defendant denies the allegations in Paragraph 20.

21. Defendant admits the allegations in Paragraph 21.

22. Defendant does not have sufficient information to either admit or deny the allegations in Paragraph 22.

23. Defendant does not have sufficient information to either admit or deny the allegations in Paragraph 23.

24. Defendant does not have sufficient information to either admit or deny the allegations in Paragraph 24.

25. Defendant does not have sufficient information to either admit or deny the allegations in Paragraph 25.

26. Defendant does not have sufficient information to either admit or deny the allegations in Paragraph 26.

JURISDICTION AND VENUE

27. Defendant admits the allegations in Paragraph 27.

28. Defendant admits the allegations in Paragraph 28.

29. Defendant admits that the Court has personal jurisdiction over her in her official capacity as the Secretary of State of New Mexico. Defendant lacks sufficient information to either admit or deny the remaining allegations in Paragraph 29.

30. Defendant admits that, in her official capacity as the Secretary of State of New Mexico, she resides in this district. Defendant lacks sufficient information to either admit or deny the remaining allegations in Paragraph 30.

FACTUAL ALLEGATIONS

31. Paragraph 31 does not contain factual allegations such that Defendant is required to either admit or deny them. To the extent Paragraph 31 does contain such allegations, Defendant denies those allegations.

32. Paragraph 32 does not contain factual allegations such that Defendant is required to either admit or deny them. To the extent Paragraph 32 does contain such allegations, Defendant denies those allegations.

33. Paragraph 33 does not contain factual allegations such that Defendant is required to either admit or deny them. To the extent Paragraph 33 does contain such allegations, Defendant denies those allegations.

34. Defendant lacks sufficient information to either admit or deny the allegations in Paragraph 34.

35. Paragraph 35 does not contain factual allegations such that Defendant is required to either admit or deny them. To the extent Paragraph 35 does contain such allegations, Defendant denies those allegations.

36. Defendant lacks sufficient information to either admit or deny the allegations in Paragraph 36.

37. Paragraph 37 does not contain factual allegations such that Defendant is required to either admit or deny them. To the extent Paragraph 37 does contain such allegations, Defendant denies those allegations.

38. Paragraph 38 does not contain factual allegations such that Defendant is required to either admit or deny them. To the extent Paragraph 38 does contain such allegations, Defendant denies those allegations.

39. Paragraph 39 does not contain factual allegations such that Defendant is required to either admit or deny them. To the extent Paragraph 39 does contain such allegations, Defendant denies those allegations.

40. Paragraph 40 does not contain factual allegations such that Defendant is required to either admit or deny them. To the extent Paragraph 40 does contain such allegations, Defendant denies those allegations.

41. Defendant admits the allegations in Paragraph 41.

42. Paragraph 42 does not contain factual allegations such that Defendant is required to either admit or deny them. To the extent Paragraph 42 does contain such allegations, Defendant denies those allegations.

43. Defendant admits that the Secretary of State's regulations concerning voter registration activities at designated state agencies are applicable to the Motor Vehicle Department. Defendant lacks sufficient information to either admit or deny the remaining allegations in Paragraph 43.

44. Defendant lacks sufficient information to either admit or deny the allegations in Paragraph 44.

45. Defendant denies Paragraph 45.

46. Defendant lacks sufficient information to either admit or deny the allegations in Paragraph 46.

47. Defendant lacks sufficient information to either admit or deny the allegations in Paragraph 47.

48. Defendant admits the allegations in Paragraph 48.

49. Defendant admits the allegations in Paragraph 49.

50. Defendant admits the allegations in Paragraph 50.

51. Defendant admits that Deputy Secretary of State Don Francisco Trujillo II indicated to a Project Vote representative that the Motor Vehicle Department's information technology department was looking at the alleged NVRA compliance issues and that Deputy Secretary Trujillo would contact Project Vote with an update.

52. Defendant admits the allegations in Paragraph 52.

53. Defendant admits that Deputy Secretary of State Don Francisco Trujillo sent an email to a Project Vote representative notifying them of his unavailability. Defendant lacks sufficient information to either admit or deny the remaining allegations in Paragraph 53.

54. Defendant admits that ninety days have passed since receipt of the March 23, 2009 letter referenced in Paragraph 48 of the Complaint. Defendant denies the remaining allegations in Paragraph 54.

55. Defendant denies noncompliance with the NVRA by the Secretary of State. Defendant lacks sufficient information to either admit or deny the remaining allegations in Paragraph 55.

56. Paragraph 56 does not contain factual allegations such that Defendant is required to either admit or deny them. To the extent Paragraph 56 does contain such allegations, Defendant denies those allegations.

57. Defendant lacks sufficient information to either admit or deny the allegations in Paragraph 57.

58. Defendant lacks sufficient information to either admit or deny the allegations in Paragraph 58.

59. Defendant denies the allegations in Paragraph 59.

60. Defendant lacks sufficient information to either admit or deny the allegations in Paragraph 60.

61. Defendant lacks sufficient information to either admit or deny the allegations in Paragraph 61.

62. Defendant admits the allegations in Paragraph 62.

63. Defendant lacks sufficient information to either admit or deny the allegations in Paragraph 63.

64. Defendant lacks sufficient information to either admit or deny the allegations in Paragraph 64.

65. Defendant lacks sufficient information to either admit or deny the allegations in Paragraph 65.

66. Defendant lacks sufficient information to either admit or deny the allegations in Paragraph 66.

67. Defendant lacks sufficient information to either admit or deny the allegations in Paragraph 67.

68. Defendant lacks sufficient information to either admit or deny the allegations in Paragraph 68.

69. Defendant lacks sufficient information to either admit or deny the allegations in Paragraph 69.

70. Defendant admits the allegations in Paragraph 70.

71. Defendant admits that the Secretary of State has not responded to the allegations of violations of the National Voter Registration Act, but denies that any such violations have, in fact, occurred.

72. Defendant denies the allegations in Paragraph 72.

73. Defendant lacks sufficient information to either admit or deny the allegations in Paragraph 73.

74. Defendant lacks sufficient information to either admit or deny the allegations in Paragraph 74.

75. Defendant lacks sufficient information to either admit or deny the allegations in Paragraph 75.

76. Defendant lacks sufficient information to either admit or deny the allegations in Paragraph 76.

77. Defendant lacks sufficient information to either admit or deny the allegations in Paragraph 77.

78. Defendant denies any continued violation of the National Voter Registration Act. Defendant lacks sufficient information to either admit or deny the remaining allegations in Paragraph 78.

79. Defendant lacks sufficient information to either admit or deny the allegations in Paragraph 79.

80. Defendant lacks sufficient information to either admit or deny the allegations in Paragraph 80.

81. Defendant lacks sufficient information to either admit or deny the allegations in Paragraph 81.

82. Defendant denies any ongoing violation of the National Voter Registration Act. Defendant lacks sufficient information to either admit or deny the remaining allegations in Paragraph 82.

83. Defendant denies the allegations in Paragraph 83.

CLAIM FOR RELIEF

84. Paragraph 84 does not contain factual allegations such that Defendant is required to either admit or deny them. To the extent Paragraph 84 does contain such allegations, Defendant denies those allegations.

85. Defendant denies the allegations in Paragraph 85.

86. Defendant denies the allegations in Paragraph 86.

PRAYER FOR RELIEF

87. Plaintiffs' Prayer for Relief does not contain factual allegations such that Defendant is required to either admit or deny them. To the extent the Prayer for Relief does contain such allegations, Defendant denies those allegations.

DATED: August 3, 2009.

Respectfully submitted,

GARY K. KING
NEW MEXICO ATTORNEY GENERAL

/s/ Scott Fuqua
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Attorney for Defendant Mary Herrera

CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the foregoing answer on Plaintiffs' counsel of record via electronic filing with the CM/ECF filing system on August 3, 2009.

/s/ Scott Fuqua
Scott Fuqua