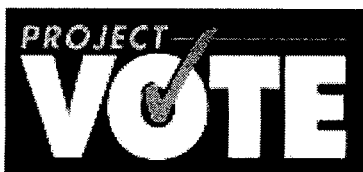


EXHIBIT 10



June 12, 2007

VIA FEDERAL EXPRESS

The Honorable Mary Herrera
Secretary of State
State of New Mexico
State Capitol North Annex, Suite 300
Santa Fe, New Mexico 87503

Dear Secretary Herrera:

On behalf of ACORN and Project Vote, we write to notify you that the State of New Mexico is not in compliance with the National Voter Registration Act of 1993, 42 U.S.C. § 1973gg, *et seq.* (the "NVRA"), and to request that you take steps to bring the state into compliance.

Federal law requires states to provide certain specified voter registration services at public assistance agencies. In particular, the NVRA requires states to "designate as voter registration agencies . . . all offices in the State that provide public assistance." *See* 42 U.S.C. § 1973gg-5. As a voter registration agency, each public assistance office in the state must, at a minimum, distribute mail voter registration application forms, assist applicants in completing the voter registration forms, and accept completed voter registration forms and forward them to the appropriate election official. *See id.* § (a)4(A). More specifically, pursuant to Section 7 of the NVRA, public assistance offices must (i) distribute voter registration materials with each application for assistance and with each recertification, renewal or change of address form relating to such assistance; (ii) inquire of the applicant, in writing, whether he or she would like to register to vote or change his or her voter registration address; (iii) inform the applicant, in writing, that the decision to register or decline to register to vote will not affect the amount of assistance provided by the agency; and (iv) provide assistance completing the voter registration forms to the same degree the agency provides assistance in completing its own forms. *See id.* § (a)6.

Substantial evidence demonstrates New Mexico's failure to provide mandatory voter registration services at public assistance offices as required by the NVRA. For example, the state's most recent statistical data concerning voter registration at public assistance agencies indicates that, from a voting eligible population of over 1.2 million

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and from 559,162 applications and recertifications for Food Stamps (just one of many programs for which voter registration services are required), New Mexico's public assistance agencies registered only 3,719 voters in 2001-2002. Not only is this number low, it represents a 78 percent decrease in voter registrations at public assistance agencies since implementation of the NVRA in 1995.

In the summer of 2004, New Mexico's Human Services Department (HSD) worked with the NVRA Implementation Project --a joint project of ACORN, Project Vote, and Demos-- to improve the state's compliance with the NVRA at public assistance agencies. As a result, voter registration at public assistance agencies increased. During that time period, in just two months --August and September 2004-- HSD offices registered a total of 2,927 new voters. Unfortunately, HSD stopped working with the Project and, in the following months, registrations declined dramatically. Thus, in the nine-month period between November 2004 and July 2005, New Mexico's 33 public assistance offices registered only 541 new voters. Seven offices (serving eight counties) *failed to register a single voter* in the entire nine-month period. An additional fifteen offices registered less than ten voters during the time period.

Finally, a January 2007 survey of HSD agencies by Project Vote makes it clear that New Mexico is disregarding its obligations under the NVRA. Project Vote found that none of the offices it visited appeared to be distributing mail voter registration applications, assisting applicants with completion of the form, or informing applicants in writing about their options. Virtually none of the applicants who were interviewed after applying for or recertifying their eligibility for benefits said they had been offered an opportunity to register to vote.

By requiring states to register voters at public assistance agencies, Congress specifically intended to increase voter registration among low-income citizens. New Mexico's failure to comply with these provisions of the NVRA has profound consequences. Indeed, New Mexico has an economic registration gap of 27.6 percentage points: only 65.7 percent of individuals in households making less than \$15,000 are registered to vote compared to 93.3 percent of citizens in households making \$75,000 or more. New Mexico must recognize its obligations under the NVRA and implement changes promptly so that all of its citizens, including the hundreds of thousands of its citizens who receive public assistance, are able to participate in the electoral process.

This letter is our attempt to ensure that New Mexico comes into compliance with the public assistance provisions of the NVRA and to enable *all* New Mexico citizens to register to vote. Please advise us promptly of the steps you intend to take to remedy New Mexico's violations of Section 7 of the NVRA, including (i) the measures you will implement to assure future compliance and (ii) the steps you will take to provide registration opportunities to those who have been denied their rights under Section 7 of the NVRA in the past three years. We are happy to meet with you at your earliest convenience to assist in the development of a comprehensive plan for compliance.

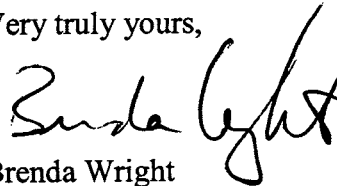
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In the absence of such a plan, or hearing from you that you are interested in developing such a plan, we will have no alternative but to initiate litigation. We look forward to hearing from you.



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Very truly yours,



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cc: Hon. Pamela S. Hyde, Secretary, New Mexico Human Services Department