

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

CELIA VALDEZ, et al.,)	
)	
Plaintiffs,)	Civil Action No: 1:09-cv-00668 JCH/DJS
)	
v.)	
)	
MARY HERRERA, et al.,)	
)	
Defendants.)	

**DEFENDANT MARY HERRERA’S RESPONSE TO PLAINTIFFS’
MOTION FOR PARTIAL SUMMARY JUDGMENT**

In their Motion for Partial Summary Judgment, Plaintiffs assert that the Secretary of State is jointly and severally liable for any violations of the National Voter Registration Act committed by the New Mexico Human Services Department. This issue is fully briefed in the context of the Secretary’s Motion for Summary Judgment. In short, Plaintiffs are wrong about the obligations the NVRA places on the Secretary. Not only does the NVRA not provide for joint and several liability, but it does not obligate the Secretary to enforce the provisions of the NVRA against other State agencies. Thus, for the same reason the Secretary is entitled to summary judgment in her favor, Plaintiffs are not entitled to summary judgment in theirs.

CONCLUSION

For the foregoing reasons, the Secretary of State respectfully requests that the Court enter an Order: (1) denying Plaintiffs’ Motion for Partial Summary Judgment as to the Secretary; (2) requiring the parties to bear their own costs and fees in connection with that motion; and (3) providing to the Secretary of State any additional relief to which she may be justly entitled.

DATED: September 27, 2010.

Respectfully submitted,

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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 September 27, 2010.

/s/ Scott Fuqua
Scott Fuqua