

CHALLENGE TO THE TAOS COUNTY DELEGATES

Taos County Democrats Robert Bishop, Margarita Denevan, Kelen Emery, Eugena Hauber, Theron Horton, Judith Hovetter, Suzy T. Kane, Thomas J. Kane, Bonnie Korman, Richard Montreau, Harvey Solomon, Kay Solomon, Charles Strong, Janet Webb, and Linda Yardley, all registered Democrats of Taos County, request that the Judicial Council of the Democratic Party of New Mexico: 1) determine that the Taos County State Central Committee delegation should not be credentialed for the April 28, 2007, meeting and; 2) require that a new election of Taos County State Central Committee delegates be held. See Rule 7-2 of the Rules of the Democratic Party of the State of New Mexico, October 15, 2006.¹

Challengers (organized as Taos Democrats for Clean Elections) are filing, concurrently with this challenge, an appeal to the Judicial Council of the State Central Committee, asking for (i) a determination that the Taos County Central Committee should not be seated and, (ii) a requirement that a new election of Taos County Central Committee members be held. See Appeal to the Democratic Party of the State of New Mexico Judicial Council, April 24, 2007 (attached as Exhibit 1 and incorporated herein).

I. ARGUMENT

1. Challengers argue, in their appeal to the Judicial Council, that the methodology used to apportion precincts for the Taos County Central Committee was fundamentally flawed and violated the rules of the New Mexico State Democratic Party.

2. Challengers have asked for a new election of Taos County Central Committee members.

¹ The names and addresses of the challengers are attached as Ex. F to the exhibits to the challenge which is attached hereto as Ex. 1. The names and addresses of the challenged delegates are attached as Ex. G to the exhibits to this challenge.

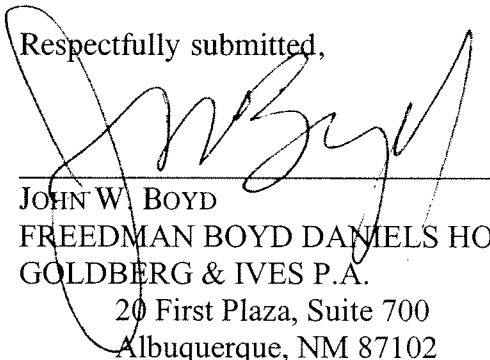
3. The Taos County Central Committee is the qualified electorate that determines State delegates.

4. Because the methodology used to establish the Taos County Central Committee was invalid, all actions and decisions coming from this Committee, including the election of State delegates, are also invalid.

Based on the foregoing, Challengers request that the Democratic Party of the State of New Mexico Judicial Council issue the following relief:

1. Determine that the Taos County State Central Committee delegation should not be credentialed for the April 28, 2007, meeting.
2. Require that a new election of Taos County State Central Committee delegates be held.

Respectfully submitted,



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ATTORNEYS FOR CHALLENGERS

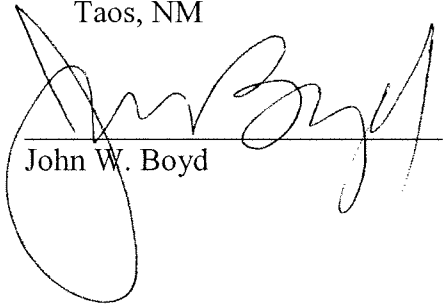
Certificate of Service

I hereby certify that on this 24th day of April, 2007, a true and correct copy of the foregoing was served by hand-delivery to:

New Mexico Democratic Party State Headquarters
1301 San Pedro NE
Albuquerque, NM 87110

and by facsimile (505.776.3248) and by email: chubytafoya@yahoo.com to:

Thomas Tafoya, Chair
Democratic Party of Taos County
Taos, NM



John W. Boyd

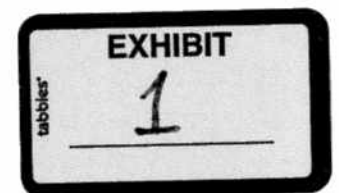
APPEAL TO THE DEMOCRATIC PARTY OF THE STATE OF NEW MEXICO
JUDICIAL COUNCIL

Taos County Democrats Robert Bishop, Margarita Denevan, Kelen Emery, Eugena Hauber, Theron Horton, Judith Hovetter, Suzy T. Kane, Thomas J. Kane, Bonnie Korman, Richard Montreau, Harvey Solomon, Kay Solomon, Charles Strong, Janet Webb, and Linda Yardley (organized for this purpose as Taos Democrats for Clean Elections)¹, challenge the composition of the Taos County Central Committee and request that the Judicial Council of the Democratic Party of New Mexico: 1) determine that the Taos County Central Committee should not be seated² and; 2) require that a new election of Taos County Central Committee members be held, based upon proportional representation, as required by our party's rules. See Rule 17 and Rule 9-2-C of The Rules of the Democratic Party of New Mexico 10-15-2006.

I. INTRODUCTION. Petitioners Robert Bishop, Margarita Denevan, Kelen Emery, Eugena Hauber, Theron Horton, Judith Hovetter, Suzy T. Kane, Thomas J. Kane, Bonnie Korman, Richard Montreau, Harvey Solomon, Kay Solomon, Charles Strong, Janet Webb, Linda Yardley, ("TDCE") are now, and in most cases have been for many years, loyal, active and enthusiastic members of the Democratic Party. They have worked hard for our party, raised a great deal of money for our party and our candidates and were instrumental in the very high turnout rate in Taos County in the last two general elections. Many members of the TDCE devoted long hours to getting-out-the-vote, working the phones at Taos Democratic Party headquarters, organizing, fund-raising and engaging in all the myriad other activities that contribute to a successful campaign and election. The Plaintiffs and many others who support them in this effort have been mainstays of our party in Taos County.

¹ These appellants' names and addresses are appended hereto as Ex. F.

² The names and addresses of the challenged members are attached hereto as Ex. G.



These loyal Democrats now find themselves before the Judicial Council of the State Central Committee of our party, seeking to rectify a situation that threatens to destabilize the Taos County Democratic Party and pit party member against party member, with the inevitable risk of harm to the Party itself. This is a result that the members of the TDCE wish to avoid. At the same time, they are unwilling to simply accept the gross inequity that is the result of the manner of selection of the members of the Taos Central Committee and, necessarily, the Taos delegates to this Convention.

In a nutshell, the manner of selection of the members of the Taos Central Committee has resulted in precincts that are heavily Anglo being grossly under-represented as compared with precincts that are heavily Hispanic. As the statistical report submitted herewith shows, every 94 voters from an exemplar heavily “Anglo” precinct have one delegate to this convention, while every 26 voters from a heavily Hispanic precinct have one delegate. This disparate representation plagues most of the other precincts in Taos. Stated differently, it takes three and a half Anglo Democrats in some precincts to equal the delegate selection clout of every one Hispanic Democrat in other precincts.

This situation does not prevail in Bernalillo, Santa Fe, and, to petitioners’ belief, many other counties, although it may prevail in some counties besides Taos. This situation is unacceptable to TDCE and it ought to be unacceptable to the State Central Committee because this Party will be profoundly and irreparably harmed if our Party’s rules requiring proportionality in the selection of county committees are not enforced and if, as a consequence of failure to enforce them, loyal Democrats such as your petitioners continue to lack a reasonably equal say in the conduct of party affairs.

So that the Committee understands the engine of this disproportionate representation, petitioners will briefly explain it in this introduction. Briefly stated, the Apportionment Plan provided by the state party to the Taos County Democratic Party gives every precinct, no matter how small, at least one position on the County Central Committee. At the same time, it provides that every hundred voters are entitled to one representative, precinct by precinct. If a precinct has between 50 and 100 voters, the number is “rounded up” so that, for example, if a precinct has 55 voters, it will have two committee members (one is the precinct chair and one selected as a result of the “100” voters). On the other hand, if a precinct has 800 voters, it will get nine representatives. The vice of this plan is that it gives the smallest precincts the greatest representation per voter and the largest precincts the least. While this might not ordinarily skew proportionality so greatly, Taos County includes numerous very small precincts that throw the proportionality way off.

This problem stems from the fact that the apportionment plan is in clear violation of Section 9-2-C of the state rules, which requires that a precinct chair’s position on the county committee be *included* in the number for the precinct, not *in addition to* the number for each precinct. Under the plan for Taos, however, every precinct chair’s position is *in addition* to the other representatives from the precinct.

Since the party’s rules, as discussed below, require proportionality, the Taos plan is in additional violation of those rules. Petitioners have prepared a plan, briefly discussed below, that allows even the smallest precinct (in Taos’ case, a precinct with 26 voters) to be represented on the County Committee, while at the same time preserving proportionality. Petitioners’ plan more than doubles the size of the County Committee, but recent experience has shown that there is

more than enough enthusiasm and participation by Taosenos in party affairs to fill the additional positions. This would be good for us all.

Petitioners TDCE will explain below, briefly, how the present unfortunate situation came about.

II. FACTUAL BACKGROUND

On February 10, 2007, Joseph Casados, Regional Field Organizer for the Democratic Party of New Mexico, provided to William Knight, the then Chair of the Democratic Party of Taos County, a document entitled “County Central Committee Apportionment by Precinct.” A copy is attached to this petition as “Ex. A.” It was generated by the Democratic Party of New Mexico utilizing a non-rule conforming method and specified the apportionment of Taos County Central Committee members for each precinct. The Revised County Central Apportionment document is the document that caused the mischief in the selection of County Central Committee members described above.

On February 10, 2007, as required by the Rules, Mr. Knight distributed the “Revised County Central Apportionment” in the Call. On March 12, 2007, Theron Horton, member of TDCE and a petitioner in this case, gave notice to Mr. Knight and the State Party Executive Director, Matt Farrauto, that he challenged the apportionment of the Taos County Central Committee members per precinct. See Ex. “B”

On March 12, 2007, Mr. Farrauto rejected Mr. Horton’s challenge by informing Mr. Knight that the “Revised County Central Apportionment” was a rule-conforming apportionment. See Ex. “C.”

On March 24, 2007, a meeting of the Taos Central Committee was held. Its membership reflected the apportionment imposed on Taos County by the State Democratic Party. At that

meeting, Joseph Casados, Regional Field Organizer for the Democratic Party of New Mexico, provided credentials to non-credentialed members of the Democratic Party of Taos County who were then allowed to vote to elect County Party Officers and State Central Committee Members. Unusually, the Credentials and Rules Revision Committee of the Democratic Party of Taos County met on Tuesday March 20, 2007 under the supervision of the Executive Director of the Democratic Party of New Mexico, Matt Farrauto, with the Parliamentarian of the Democratic Party of New Mexico, Robert Beck, chairing the committee. The committee failed to deliberate the credentials of any of the precinct officers and central committee members elected on March 13, 2007 as is required by Rule 9-3-A.4. An audio recording of the Credentials Committee Meeting, made by Robin Collier, was approved as part of the official record of the meeting and is available for review. (AUDIO Taos CCC Meeting A: Credentials Report 00:5:10-00:17:00; Report provided by Matt Farrauto, confirming no one was credentialed at that meeting; this audio was approved as the official minutes of that meeting approved at the April 21, 2007 Meeting of the Democratic Party Taos County)

III. ARGUMENT.

TDCE's protest and appeal can be quickly summarized. The rules of the New Mexico State Democratic Party at a minimum require: 1) that each representative on a county's central committee represent roughly the same number of voters as represented by the other representatives on the committee; and; 2) that minority representation be protected. In the case of the Taos County delegation to the state convention, neither fundamental requirement is met, even approximately.

Rule 9-2 C states:

The County Central Committees shall be composed of the following: ...additional committeepersons, as apportioned to the precincts on the basis of the average of votes

cast in each precinct for the Democratic candidate in the most recent presidential and gubernatorial elections. A fair apportionment formula shall be set by the county rules and shall be uniform throughout the county. The apportionment may vary from one committeeperson for each 200 votes to one committeeperson for each 25 votes, depending on the rules of the county, provided, however, that the apportionment formula shall not result in more than one-third (1/3) of the precincts of the county being represented by only one committeeperson. The membership allotted to the precinct chair is included in the number of committeepersons apportioned to that precinct.

Rule 17 states:

The policy of the DPNM is to preserve equitable minority representation at all levels of the convention and meeting processes, and to that end committees and delegations to conventions shall be selected, insofar as reasonably possible, to represent proportionally any vote...

Taos County utilized an apportionment formula that violates Rules 9-2 and 17.

Specifically:

- a. The apportionment assigns a County Central Committee position to each precinct chair and *adds* that position to the proportional distribution. This has the effect of greatly increasing the representation for small precincts and is in clear violation of the final sentence of Rule 9-2 C.3, quoted above.
- b. The existing apportionment violates Rule 17's minority proportionality requirement because it overvalues smaller precincts, which tend to be heavily Hispanic, and radically undervalues larger precincts which tend to be heavily Anglo;
- c. The existing apportionment is inconsistent with other counties' interpretation of Rule 9-2 C because other counties, including Bernalillo and Santa Fe, base their allocation of committee members on wards and require that the allocation be proportional to the actual votes cast in each ward. This means that no group or area is under or over-represented. Taos' precinct-based

system, which includes minimum representation even for tiny precincts, results in massively disproportionate representation. See Graphs of Bernalillo, Santa Fe, and Taos; note that Wards and Precincts are considered equivalents in counties that do not have a Ward structure such as Taos.]. In this regard, petitioners attempted to obtain data from all New Mexico counties, but our repeated requests for information were ignored by state Democratic Party Headquarters.

- d. As misapplied in Taos County, Rule 9-2 C has resulted in a disproportionate distribution of County Central Committee members to Taos County precincts, skewing representation of average Democratic votes per precinct. See Graph (Ex. D) illustrating the DPNM apportionment for Taos compared with true proportional representation.
- e. The existing unlawful apportionment formula for Taos County Central Committee members reduces the potential representation of non-Hispanic Democrats in County Democratic Party elections by an estimated 30%.
- f. Taos County's representation per average vote per precinct ranges drastically from 1 to 26 in a heavily Hispanic precinct to 1 to 94 in a heavily Anglo precinct.
 - i. In general, the lower the representation ratio, such as Taos County Precinct 09, Arroyo Hondo (1 to 88), the higher concentration of non-Hispanic votes per precinct.

- ii. In general, the higher the representation ratio, such as Precinct 31, Rodarte (1 to 26), the higher the percentage of Hispanic vote. See Ex. D.
- g. A proper apportionment formula would include, rather than add, each precinct chair in the number of committee members apportioned to each precinct, as specified in Rule 9-2-C.3. Furthermore, the proper formula would achieve proportional representation per average vote per precinct as specified in Rule 17. Petitioners have devised a formula that achieves these results. See Ex. E.
- h. Petitioners' apportionment formula, consistent with the rules, utilizes a proportional and uniform divisor of 26 (rather than the existing divisor of 100) and establishes a total of 401 County Central Committee members. Such proportional representation is permitted by the State Rules and is the only way to obtain proportionate representation and provide each precinct with a representative. It also accommodates the Rule's requirement of avoiding an excessive number of precincts represented by only a precinct chair. There is no reason whatever not to conform the apportionment in this manner to the party's rules.

Petitioners recognize that their plan results in more than doubling the number of Taos County central committee members. However, there is sufficient participation at the precinct level to easily fill these seats. Finally, even if this were not the case, the problem for the state party is that its current rules *require* such a distribution and apportionment, and it is hardly petitioners' fault if compliance with the state rules requires a larger number of seats.

CONCLUSION. It is undeniable that the representation of voting Taos Democrats is radically skewed in favor of Hispanic voters and against Anglo voters. This may be a hard pill to swallow for our party, which has dedicated itself to equal rights, but there it is. The question is whether the state party is going to accept this situation or whether it is going to do something about it. In coming to a decision, it is crucial to keep in mind that it is not just the integrity of the Democratic Party that depends on reasonably proportional representation. The strength and effectiveness of our party that also depends on it.

No one can seriously question that Taos County has an ethnic divide that manifests itself from time to time, despite the fact that TDFE's members and their fellow Democrats of all ethnicities have thrived together in the past, thrived in the last election and will thrive together in **future** elections. The relations among Democrats in Taos is, for the most part, easy, friendly and productive. That easy, friendly and productive relationship will be hard to sunder, but if there is anything that will do it, it will be the feeling by one ethnic group within the party that it has been singled out for disparate treatment and diminished representation, as is the case here. The state party must not allow this situation to persist.

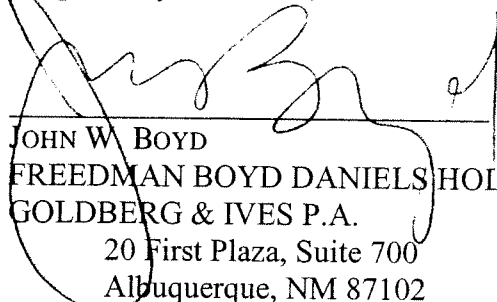
This appeal raises issues that the State Party must address now, not later.

WHEREFORE, Petitioners/appellants request that the Democratic Party of the State of New Mexico Judicial Council provide the following relief:

1. Declare the Revised Taos County Apportionment of representatives invalid;
2. Declare the interpretation of Rule 9-2 C by the Taos County Central Committee invalid;
3. Adopt Appellant's apportionment formula or any other formula that comports with state party rules and results in reasonably equal apportionment;

4. Declare the March 13, 2007, Taos County Precinct Election invalid;
5. Mandate new Taos County Precinct Elections;
6. Mandate State Democratic Party observers at the new Precinct elections to ensure conformity with Party rules.

Respectfully submitted,



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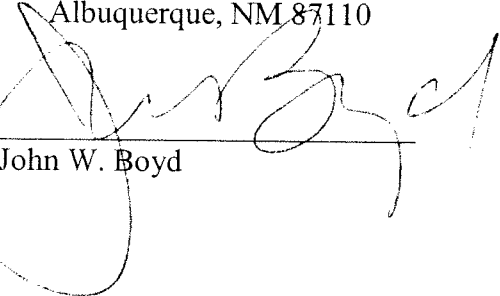
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ATTORNEYS FOR TAOS DEMOCRATS FOR
CLEAN ELECTIONS

Certificate of Service

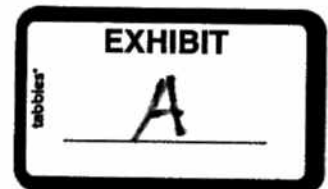
I hereby certify that on this 24th day of April, 2007, a true and correct copy of the foregoing was served by hand-delivery to:

New Mexico Democratic Party State Headquarters
1301 San Pedro NE
Albuquerque, NM 87110



John W. Boyd

DPTC 2007 County Central Committee Apportionment by Precinct				
Precinct	John Kerry 2004 Turnout	Bill Richardson 2006 Turnout	Average Turnout	Total Number of CCC Members
1	270	177	224	2
2	102	122	112	1
3	70	78	74	1
4	249	267	258	3
5	210	258	234	2
6	301	361	331	3
7	101	154	128	1
8	181	153	167	2
9	957	801	879	9
10	291	242	267	3
11	615	533	574	6
12	907	779	843	8
13	310	281	296	3
14	306	263	285	3
15	765	646	706	7
16	404	358	381	4
17	734	646	690	7
18	671	563	617	6
19	683	628	656	7
20	274	265	270	3
21	502	453	478	5
22	156	110	133	1
23	72	62	67	1
24	156	145	151	2
25	68	80	74	1
26	31	43	37	0
27	163	198	181	2
28	183	189	186	2
29	105	115	110	1
30	38	46	42	0
31	24	28	26	0
32	122	108	115	1
33	76	51	64	1
34	360	302	331	3
35	488	432	460	5
Totals	10,945	9,937	298	
Additional County Central Committee Members				106
Precinct Chairs				35
Total Members				141



Kaye Smolnisky

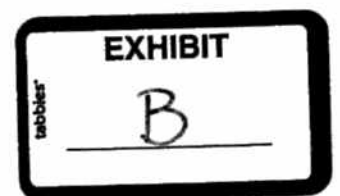
From: Sara Berger [sara@nmsmallbusiness.com]
Sent: Tuesday, April 24, 2007 11:34 AM
To: Kaye Smolnisky
Subject: Exhibit B
Importance: High
Attachments: TaosCounty Test for Conformity to 9-2-3.xls

This attached spreadsheet, along with the following email header, comprises exhibit B.

----- Forwarded Message

From: Theron Horton <theronhorton@mac.com>
Date: March 12, 2007 9:16:39 AM MDT
To: Matt Farrauto <mattf@nmdemocrats.org>
Cc: Joseph Casados <joe@nmdemocrats.org>, William Knight <billy@newmex.com>, John Boyd <jwb@fbdlaw.com>
Subject: TaosCounty: Test for Conformity to Rule 9-2-3

----- End of Forwarded Message



2007:NewMexico:TaosCounty:CountyCentralCommittee:Precinct:Apportionment

Test for Conformity to Rule 9-2-3

		TOTALS																																				
A	Taos County Precinct	35	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	
B	2004 Presidential Vote	10,945	270	102	70	249	210	301	101	181	957	291	615	907	310	306	765	404	734	671	683	274	502	156	72	156	68	31	163	183	105	38	24	122	76	360	488	
C	2006 Gubernatorial Vote	9,937	177	122	78	267	258	361	154	153	801	242	533	779	281	263	646	358	646	563	628	265	453	110	82	145	80	43	198	189	115	46	28	108	51	302	432	
D	Sum B + C	20,882	447	224	148	516	468	662	255	334	1,758	533	1,148	1,686	591	569	1,411	762	1,380	1,234	1,311	539	955	266	134	301	148	74	361	372	220	84	52	230	127	662	920	
E	Average B + C (Divide by 2)	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	
F	Average of B + C	10,441	224	112	74	258	234	331	128	167	879	267	574	843	296	285	706	381	690	617	656	270	478	133	67	151	74	37	181	186	110	42	28	115	64	331	460	
G	Fair Apportionment Value	51	51	51	51	51	51	51	51	51	51	51	51	51	51	51	51	51	51	51	51	51	51	51	51	51	51	51	51	51	51	51	51	51	51	51	51	
H	Fair Apportionment (Divide F by G)		4	2	1	5	5	6	3	3	17	5	11	17	6	6	14	7	14	12	13	5	9	3	1	3	1	1	4	4	2	1	1	2	1	6	9	
I	Test for Zero Values	TRUE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
J	Test for 1/3 Rule (33.33%)	20%	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	1	0	0	0	1	1	0	1	0	0
K	Precinct CCC Apportionment (Corrected)	204	4	2	1	5	5	6	3	3	17	5	11	17	6	6	14	7	14	12	13	5	9	3	1	3	1	1	4	4	2	1	1	2	1	6	9	
	Representation Ratio (Average Vote Divided by Representation)		56	56	74	52	47	55	43	56	52	53	52	50	49	47	50	54	49	51	50	54	53	44	87	50	74	37	46	47	55	42	26	58	64	55	51	
	Percentage of Average Vote	100.0%	2.1%	1.1%	0.7%	2.5%	2.2%	3.2%	1.2%	1.6%	8.4%	2.6%	5.5%	8.1%	2.8%	2.7%	6.8%	3.6%	6.6%	5.9%	6.3%	2.6%	4.6%	1.3%	0.6%	1.4%	0.7%	0.4%	1.7%	1.8%	1.1%	0.4%	0.2%	1.1%	0.6%	3.2%	4.4%	
	Percentage of Total Representation	100.0%	2.0%	1.0%	0.5%	2.5%	2.5%	2.9%	1.5%	1.6%	8.3%	2.5%	5.4%	8.3%	2.9%	2.9%	6.9%	3.4%	6.9%	5.9%	6.4%	2.5%	4.4%	1.5%	0.5%	1.5%	0.5%	0.5%	2.0%	2.0%	1.0%	0.5%	0.5%	1.0%	0.5%	2.9%	4.4%	
	Variance	0.0%	-0.2%	-0.1%	-0.2%	0.0%	0.2%	-0.2%	0.2%	-0.1%	-0.1%	-0.1%	-0.1%	0.3%	0.1%	0.2%	0.1%	-0.2%	0.3%	0.0%	0.1%	-0.1%	-0.2%	0.2%	-0.2%	0.0%	-0.2%	0.1%	0.2%	0.2%	-0.1%	0.1%	0.2%	-0.1%	-0.1%	-0.2%	0.0%	
	Existing Apportionment	141	3	2	2	4	3	4	2	3	10	4	7	9	4	4	8	5	8	7	8	4	6	2	2	3	2	1	3	3	2	1	1	2	2	4	6	
	Representation Ratio		75	56	37	65	78	83	64	56	88	67	82	94	74	71	88	76	86	88	82	67	80	67	34	50	37	37	60	62	55	42	26	58	32	83	77	
	Percentage of Average Vote	100.0%	2.1%	1.1%	0.7%	2.5%	2.2%	3.2%	1.2%	1.6%	8.4%	2.6%	5.5%	8.1%	2.8%	2.7%	6.8%	3.6%	6.6%	5.9%	6.3%	2.6%	4.6%	1.3%	0.6%	1.4%	0.7%	0.4%	1.7%	1.8%	1.1%	0.4%	0.2%	1.1%	0.6%	3.2%	4.4%	
	Percentage of Total Representation	100.0%	2.1%	1.4%	1.4%	2.8%	2.1%	2.8%	1.4%	2.1%	7.1%	2.8%	5.0%	6.4%	2.8%	2.8%	5.7%	3.5%	5.7%	5.0%	5.7%	2.8%	4.3%	1.4%	1.4%	2.1%	1.4%	0.7%	2.1%	2.1%	1.4%	0.7%	0.7%	1.4%	1.4%	2.8%	4.3%	

Variance	0.0%	0.0%	0.3%	0.7%	0.4%	-0.1%	-0.3%	0.2%	0.5%	-1.3%	0.3%	-0.5%	-1.7%	0.0%	0.1%	-1.1%	-0.1%	-0.9%	-0.9%	-0.8%	0.3%	-0.3%	0.1%	0.8%	0.7%	0.7%	0.4%	0.4%	0.3%	0.4%	0.3%	0.5%	0.3%	0.8%	-0.3%	-0.2%	
Change In Representation	63	1	0	-1	1	2	2	1	0	7	1	4	8	2	2	6	2	6	5	5	1	3	1	-1	0	-1	0	1	1	0	0	0	0	0	-1	2	3
Change In Representation Ratio	63	19	0	-37	13	31	28	21	0	36	13	30	44	25	24	38	22	37	37	32	13	27	22	-34	0	-37	0	15	16	0	0	0	0	0	-32	28	26
Percent Change In Representation Ratio	45%	25%	0%	-100%	20%	40%	33%	33%	0%	41%	20%	36%	47%	33%	33%	43%	29%	43%	42%	38%	20%	33%	33%	-100%	0%	-100%	0%	25%	25%	0%	0%	0%	0%	0%	-100%	33%	33%

2004 DISTRIBUTION OF TOTAL COUNTY VOTE BY ETHNICITY	Taos County Precinct	35	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35		
	TOTAL COUNTY VOTE 2004	15,302	338	136	106	367	381	509	389	214	1,240	360	761	1,210	378	428	1,008	556	975	906	968	396	704	198	86	221	129	85	280	292	154	52	38	159	122	509	669		
	AUDIT	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
	Hispanic Vote 2004 Precinct	7,006	30	106	99	208	304	378	9	62	422	140	271	480	0	232	392	177	440	313	617	247	366	37	29	186	112	66	237	218	139	47	37	123	4	297	279		
	Hispanic Vote 2004 Precinct Percentage		8.9%	77.9%	93.4%	56.7%	79.8%	74.3%	2.3%	29.0%	34.0%	38.6%	35.6%	39.7%	0.0%	54.2%	38.9%	31.8%	45.1%	34.5%	53.4%	62.4%	52.0%	18.9%	33.7%	85.1%	86.8%	77.6%	91.2%	74.7%	90.3%	90.4%	97.4%	77.4%	3.3%	58.3%	41.7%		
	Hispanic Vote 2004 Precinct Percentage of Total County Vote	45.8%	0.2%	0.7%	0.6%	1.4%	2.0%	2.5%	0.1%	0.4%	2.8%	0.9%	1.8%	3.1%	0.0%	1.5%	2.6%	1.2%	2.9%	2.0%	3.4%	1.6%	2.4%	0.2%	0.2%	1.2%	0.7%	0.4%	1.5%	1.4%	0.9%	0.3%	0.2%	0.8%	0.0%	1.9%	1.8%		
	NonHispanic Vote 2004	8,296	308	30	7	159	77	131	380	152	818	220	490	730	378	196	616	379	535	593	451	149	338	159	67	33	17	19	23	74	15	5	1	36	118	212	390		
	NonHispanic Vote 2004 Precinct Percentage		91.1%	22.1%	6.6%	43.3%	20.2%	25.7%	97.7%	71.0%	66.0%	61.1%	64.4%	60.3%	100.0%	45.8%	61.1%	68.2%	54.9%	66.5%	46.6%	37.6%	48.0%	81.1%	66.3%	14.9%	13.2%	22.4%	8.8%	26.3%	9.7%	9.6%	2.6%	22.6%	96.7%	41.7%	58.3%		
NonHispanic Vote 2004 Precinct Percentage of Total County Vote	54.2%	2.0%	0.2%	0.0%	1.0%	0.5%	0.9%	2.5%	1.0%	5.3%	1.4%	3.2%	4.8%	2.5%	1.3%	4.0%	2.5%	3.5%	3.9%	2.9%	1.0%	2.2%	1.0%	0.4%	0.2%	0.1%	0.1%	0.2%	0.5%	0.1%	0.0%	0.0%	0.2%	0.8%	1.4%	2.5%			

From: mattf@nmdemocrats.org
Subject: RE: TaosCounty
Date: March 12, 2007 1:26:26 PM MDT
To: theronhorton@mac.com, joe@nmdemocrats.org, billy@newmex.com
Cc: marvmoss@msn.com

Chairman Knight,

Thanks for sharing your insight on the application of the DENM rules regarding the creation of the Taos County Central Committee. Specifically, you and, in particular, Theron Horton recognized that Rule 9-2 C.3 may be inconsistent with itself. I would note that Bernalillo County also struggled with how best to apply Rule 9-2.

In reviewing the County Party's effort to create your County Central Committee, I think that you've done a solid job of interpreting and applying an ambiguous rule in a fair and uniform manner.

First, there appears to be discretion, given to the County Chair, built into the relevant rule. Additionally, both the letter and spirit of the rule require that each precinct be represented, which your precinct allocation achieves.

Second, your apportionment of additional committeepersons, is uniform.

On a practical level, the Rule also fails to take into account just how difficult it would be to manage a County Central Committee that grows to several hundred people. For example, Bernalillo County, due to Richardson's high turnout, will find itself with a nearly a 1000-person County Central Committee, and there may not be locations available to accommodate a Committee of this size. Locations that do exist may be too expensive to utilize. I can only imagine how the size of the Committee would have been affected if Richardson had been unopposed in his campaign for Governor and had turnout remained high.

After reviewing the apportionment for your 141 person County Central Committee and after consultation with Rules Committee Chairman Marvin Moss, I recommend that you proceed tomorrow with the apportionment plan that you dutifully circulated to your county coordinators. If you applied a different interpretation of Rule 9-2 than that of your initial allocation, your County Central Committee would double in size. At this late date, such a drastic and dramatic change would be problematic and jeopardize the proper functioning of your elections, which must be considered a priority.

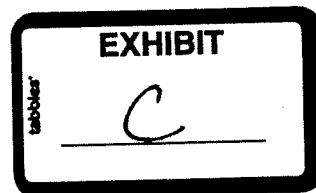
We all share the goal of establishing clear and concise rules that are consistently applied. Unfortunately, that's easier said than done. On a positive note, Marvin Moss has assured me that the issue you identified is one that the Rules Committee will consider at the earliest possible convenience.

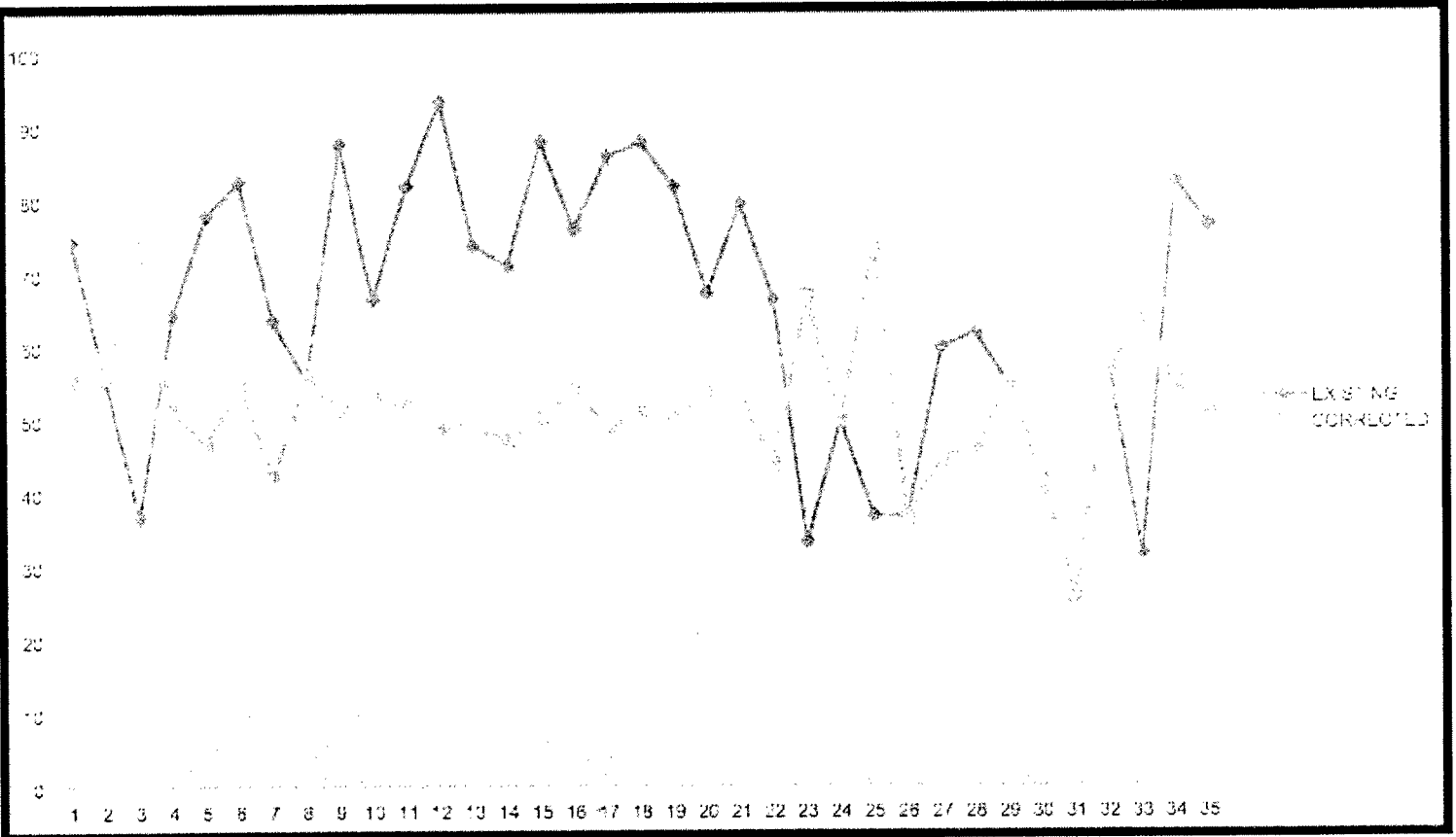
Again, I appreciate you bringing this matter to the attention of the state party. My opinion is not a formal one, so, procedurally speaking, should someone choose to challenge the composition of your County Central Committee members, please direct them to Rule 14-1 regarding the Judicial Council. Internal party affairs are non-justiciable (http://encarta.msn.com/dictionary_1861623552/justiciable.html <http://encarta.msn.com/dictionary_1861623552/justiciable.html>).

Best Regards,

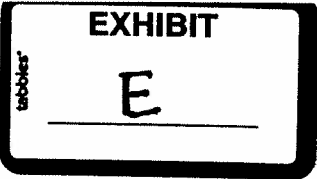
Matt Farrauto

Farrauto, Matt
Executive Director
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1301 San Pedro, NE
(<http://maps.yahoo.com/py/maps.py?Pyt=Tmap&addr=1301+San+Pedro%2C+NE&csz=Albuquerque%2C+New+Mexico+87110&country=us>)





tabbies
EXHIBIT
 D



		TOTALS																																				
A	Taos County Precinct	35	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	
B	2004 Presidential Vote	10,945	270	102	70	249	210	301	101	181	957	291	615	907	310	306	765	404	734	671	683	274	502	156	72	156	68	31	163	183	105	38	24	122	76	360	488	
C	2006 Gubernatorial Vote	9,937	177	122	78	267	258	361	154	153	801	242	533	779	281	263	646	358	646	583	628	265	453	110	62	145	80	43	198	189	115	46	28	108	51	302	432	
D	Sum B + C	20,882	447	224	148	516	468	662	255	334	1,758	533	1,148	1,686	591	569	1,411	762	1,380	1,234	1,311	539	955	266	134	301	148	74	361	372	220	84	52	230	127	662	920	
E	Average B + C (Divide by 2)	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	
F	Average of B + C	10,441	224	112	74	258	234	331	128	167	879	267	574	843	296	285	706	381	690	617	656	270	478	133	67	151	74	37	181	186	110	42	26	115	64	331	460	
G	Fair Apportionment Value	26	26	26	26	26	26	26	26	26	26	26	26	26	26	26	26	26	26	26	26	26	26	26	26	26	26	26	26	26	26	26	26	26	26	26	26	26
H	Fair Apportionment (Divide F by G)		9	4	3	10	9	13	5	6	34	10	22	32	11	11	27	15	27	24	25	10	18	5	3	6	3	1	7	7	4	2	1	4	2	13	18	
I	Test for Zero Values	TRUE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
J	Test for 1/3 Rule (33.33%)	6%	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1	0	0	0	0	
K	Precinct CCC Apportionment (Corrected)	401	9	4	3	10	9	13	5	6	34	10	22	32	11	11	27	15	27	24	25	10	18	5	3	6	3	1	7	7	4	2	1	4	2	13	18	
L	Representation Ratio (Average Vote Divided by Representation)		25	28	25	26	26	26	26	28	26	27	26	26	27	26	26	25	26	26	26	27	27	27	22	25	25	37	26	27	28	21	26	29	32	25	26	
M	Percentage of Average Vote	100.0%	2.1%	1.1%	0.7%	2.5%	2.2%	3.2%	1.2%	1.6%	8.4%	2.6%	5.5%	8.1%	2.8%	2.7%	6.8%	3.6%	6.6%	5.9%	6.3%	2.6%	4.6%	1.3%	0.6%	1.4%	0.7%	0.4%	1.7%	1.8%	1.1%	0.4%	0.2%	1.1%	0.6%	3.2%	4.4%	
N	Percentage of Total Representation	100.0%	2.2%	1.0%	0.7%	2.5%	2.2%	3.2%	1.2%	1.5%	8.5%	2.5%	5.5%	8.0%	2.7%	2.7%	6.7%	3.7%	6.7%	6.0%	6.2%	2.5%	4.5%	1.2%	0.7%	1.5%	0.7%	0.2%	1.7%	1.7%	1.0%	0.5%	0.2%	1.0%	0.5%	3.2%	4.5%	
O	Variance	0.0%	0.1%	-0.1%	0.0%	0.0%	0.0%	0.1%	0.0%	-0.1%	0.1%	-0.1%	0.0%	-0.1%	-0.1%	0.0%	0.0%	0.1%	0.1%	0.1%	0.0%	-0.1%	-0.1%	0.0%	0.1%	0.1%	0.0%	-0.1%	0.0%	0.0%	-0.1%	0.1%	0.0%	-0.1%	-0.1%	0.1%	0.1%	
P	Existing Apportionment	141	3	2	2	4	3	4	2	3	10	4	7	9	4	4	8	5	8	7	8	4	6	2	2	3	2	1	3	3	2	1	1	2	2	4	6	
Q	Representation Ratio		75	56	37	65	78	83	64	56	88	67	82	94	74	71	88	76	86	88	82	67	80	67	34	50	37	37	60	62	55	42	26	56	32	83	77	
R	Percentage of Average Vote	100.0%	2.1%	1.1%	0.7%	2.5%	2.2%	3.2%	1.2%	1.6%	8.4%	2.6%	5.5%	8.1%	2.8%	2.7%	6.8%	3.6%	6.6%	5.9%	6.3%	2.6%	4.6%	1.3%	0.6%	1.4%	0.7%	0.4%	1.7%	1.8%	1.1%	0.4%	0.2%	1.1%	0.6%	3.2%	4.4%	
S	Percentage of Total Representation	100.0%	2.1%	1.4%	1.4%	2.8%	2.1%	2.8%	1.4%	2.1%	7.1%	2.8%	5.0%	6.4%	2.8%	2.8%	5.7%	3.5%	5.7%	5.0%	5.7%	2.8%	4.3%	1.4%	1.4%	2.1%	1.4%	0.7%	2.1%	2.1%	1.4%	0.7%	0.7%	1.4%	1.4%	2.8%	4.3%	
T	Variance	0.0%	0.0%	0.3%	0.7%	0.4%	-0.1%	-0.3%	0.2%	0.5%	-1.3%	0.3%	-0.5%	-1.7%	0.0%	0.1%	-1.1%	-0.1%	-0.9%	-0.9%	-0.6%	0.3%	-0.3%	0.1%	0.8%	0.7%	0.7%	0.4%	0.4%	0.3%	0.4%	0.3%	0.5%	0.3%	0.8%	-0.3%	-0.2%	
U	Change in Representation	260	6	2	1	6	6	9	3	3	24	6	15	23	7	7	19	10	19	17	17	6	12	3	1	3	1	0	4	4	2	1	0	2	0	9	12	

V		260	50	28	12	39	52	57	38	28	62	40	56	67	47	45	62	51	61	62	56	40	53	40	11	25	12	0	34	36	28	21	0	29	0	57	51	
W		184%	67%	50%	33%	60%	67%	69%	60%	50%	71%	60%	68%	72%	64%	64%	70%	67%	70%	71%	68%	60%	67%	60%	33%	50%	33%	0%	57%	57%	50%	50%	0%	50%	0%	69%	67%	
2004 DISTRIBUTION OF TOTAL COUNTY VOTE BY ETHNICITY	Taos County Precinct	35	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	
	TOTAL COUNTY VOTE 2004	15,302	338	136	106	367	381	509	389	214	1,240	360	781	1,210	378	428	1,008	556	975	906	968	306	704	198	88	221	129	85	260	292	154	52	38	159	122	509	669	
	AUDIT	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
	Hispanic Vote 2004 Precinct	7,008	30	106	99	208	304	378	9	62	422	140	271	490	0	232	392	177	440	313	517	247	366	37	29	188	112	66	237	218	139	47	37	123	4	297	279	
	Hispanic Vote 2004 Precinct Percentage		8.9%	77.9%	93.4%	56.7%	79.8%	74.3%	2.3%	29.0%	34.0%	38.9%	35.6%	39.7%	0.0%	54.2%	38.9%	31.8%	45.1%	34.5%	53.4%	62.4%	52.0%	18.9%	33.7%	85.1%	88.8%	77.6%	91.2%	74.7%	90.3%	90.4%	97.4%	77.4%	3.3%	58.3%	41.7%	
	Hispanic Vote 2004 Precinct Percentage of Total County Vote	45.8%	0.2%	0.7%	0.6%	1.4%	2.0%	2.5%	0.1%	0.4%	2.8%	0.9%	1.8%	3.1%	0.0%	1.5%	2.6%	1.2%	2.9%	2.0%	3.4%	1.6%	2.4%	0.2%	0.2%	1.2%	0.7%	0.4%	1.5%	1.4%	0.9%	0.3%	0.2%	0.8%	0.0%	1.0%	1.8%	
	NonHispanic Vote 2004	8,296	308	30	7	159	77	131	380	152	818	220	490	730	378	196	616	379	535	593	451	149	338	159	57	33	17	19	23	74	15	5	1	36	118	212	390	
	NonHispanic Vote 2004 Precinct Percentage		91.1%	22.1%	6.6%	43.3%	20.2%	25.7%	97.7%	71.0%	66.0%	61.1%	64.4%	60.3%	100.0%	45.8%	61.1%	68.2%	54.9%	65.5%	46.6%	37.6%	48.0%	81.1%	66.3%	14.9%	13.2%	22.4%	8.8%	26.3%	9.7%	9.6%	2.6%	22.6%	96.7%	41.7%	58.3%	
NonHispanic Vote 2004 Precinct Percentage of Total County Vote	54.2%	2.0%	0.2%	0.0%	1.0%	0.5%	0.6%	2.5%	1.0%	5.3%	1.4%	3.2%	4.8%	2.5%	1.3%	4.0%	2.5%	3.5%	3.9%	2.9%	1.0%	2.2%	1.0%	0.4%	0.2%	0.1%	0.1%	0.2%	0.5%	0.1%	0.0%	0.0%	0.2%	0.8%	1.4%	2.5%		

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