

BERNALILLO COUNTY BOARD OF REGISTRATION

COPY

TRANSCRIPT OF PROCEEDINGS
MEETING

March 10, 2015
9:13 a.m.
Albuquerque-Bernalillo County Government Center
Sixth Floor
Albuquerque, New Mexico

PRESENT:

JOHN DORAN, Chair
SAMUEL CARNES, Member
BRUCE BARNABY, Member
MAGGIE TOULOUSE OLIVER, County Clerk
LEAH PERSONS, Alternate Member
BRANDON WALTERS, Alternate Member
ROMAN MONTOYA, Deputy Clerk
REBECCA MARTINEZ, Administrator
OLIVIA BOLDEN, Coordinator
ERIC SCHULER, Legal Counsel

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1 MADAME CLERK TOULOUSE: Welcome, ladies and
2 gentlemen, to the 2015 Bernalillo County Board of
3 Registration.

4 I know everyone in the room, but for the
5 record, I'm Maggie Toulouse-Oliver, County Clerk and
6 Secretary to the Board.

7 [Ms. Persons entered the room.]

8 MADAME CLERK TOULOUSE: Hi, Leah. Welcome.
9 We just started up. We'll go through a round of
10 introductions for everyone in just a moment. Before we
11 do that, we're just sort of pleased to have everybody
12 here. This will be the first Board of Registration
13 meeting in four years that we will actually be
14 attempting to conduct a removal of voters from the
15 voting rolls, which actually we're looking forward to
16 for the sake of making sure our records are more up to
17 date. So it's nice to be able to do that.

18 So if everyone would -- and we'll start
19 with those of you in the audience. If you want to just
20 introduce yourselves, and then we'll go around the
21 table.

22 So Leah, will you kick it off for us,
23 please?

24 ALTERNATE MEMBER PERSONS: Leah Persons,
25 alternate. I've sat on the Board before when we could

1 do nothing.

2 MADAME CLERK TOULOUSE: Correct. Welcome
3 back, Leah.

4 MR. RUVOLO: I'm Frank Ruvolo, Chairman of
5 the Republican Party in Bernalillo County.

6 MS. THOMAS: Melanie Thomas.

7 MR. ROEHM: Robert Roehm.

8 DEPUTY CLERK MONTOYA: Roman Montoya,
9 Deputy Clerk.

10 MS. MARTINEZ: Rebecca Martinez, Bureau of
11 Elections Administrator.

12 MS. BOLDEN: Olivia Bolden, Voter
13 Registration Coordinator.

14 MR. SCHULER: Eric Schuler, Bernalillo
15 County Legal Department.

16 MR. WALTERS: Brandon Walters, Alternate
17 for the Democratic Party.

18 MEMBER CARNES: Sam Carnes, Republican
19 Delegate.

20 MEMBER BARNABY: Bruce Barnaby, Democratic
21 Delegate Member.

22 MADAME CLERK TOULOUSE: Member, delegate,
23 you can call yourself whatever you want.

24 With that, we're going to do a quick
25 swearing in of the delegate/members, whatever we want to

1 call them.

2 Do you have an Oath of Office?

3 DEPUTY CLERK MONTOYA: In front of each one
4 of you, there's an Oath of Office.

5 MADAME CLERK TOULOUSE: If you'll hand it
6 down, we'll do a quick swearing in.

7 [Whereupon, the members and alternates were
8 duly sworn.]

9 MADAME CLERK TOULOUSE: And Brandon, go
10 ahead. We'll do one for J.D. when --

11 ALTERNATE MEMBER WALTERS: When he gets in
12 here, right.

13 ALTERNATE MEMBER PERSONS: Are alternates
14 supposed to sign this? I thought it was just members.

15 MADAME CLERK TOULOUSE: We have Brandon
16 serving at the moment because J.D. is not here.

17 ALTERNATE MEMBER PERSONS: Okay.

18 MADAME CLERK TOULOUSE: He's being tapped
19 as an alternate, too. Sub-in, as it were.

20 So with that, I'm going to ask Deputy
21 County Clerk -- oh, I'm sorry. Next on the agenda, we
22 need to nominate a Chairperson.

23 MEMBER BARNABY: I hereby nominate John
24 Doran.

25 MADAME CLERK TOULOUSE: Who is not here.

1 Well, let's hold off until John gets here, and we can
2 let Roman just kind of get into what we're doing here
3 today.

4 DEPUTY CLERK MONTOYA: I want to welcome
5 everybody here to this final day when we get to purge
6 people, hopefully. And we have it set up today for you
7 in a format that will be a little bit different than
8 what you maybe have seen in the past, and we'll kind of
9 go over that as we go on throughout the day.

10 The first thing we'll talk about is the
11 fact that the people who are here to be purged are not
12 anybody from this past election. I know we've had a
13 couple of questions, people asking about this past
14 election process, people who were involved in it, and
15 this is not including the people who were in this 2014
16 cycle. This is from August 1st of 2012, that election
17 cycle and prior.

18 So anything that people are talking about
19 from August 2nd, 2012, and after will not get purged --
20 or are not eligible to be purged until the 2017 process.

21 Is that clear to everybody? Does anybody
22 not understand that?

23 The records that you're going to see today,
24 when we told you guys it was 22,569 people eligible to
25 be purged, those are all people who have been sent

1 confirmation mailings on August 1st, 2012, or before,
2 where we have some record of where they were flagged.

3 As we go over these little by little, you
4 guys can ask questions as to what they are. We'll show
5 you what you're kind of seeing up here a little bit
6 already. I'll show you this. Here's the 22,569 people
7 that we have eligible, and those are the ones that we'll
8 be looking at throughout the day today.

9 What I want to talk about -- I want to kind
10 of turn it over to Olivia. What I want Olivia to do is
11 kind of tell you the process that we do when we cancel
12 voter registrations on a daily basis and the reasons why
13 we do it.

14 But before I do that, I want you to look
15 through your packets that we've given you here. On each
16 of your packets, you have an agenda. You have the Board
17 of Registrations Members along with the Alternates'
18 contact information, along with all the staff, including
19 Maggie's information. You have what the Secretary of
20 State has given us, and I forwarded that to you earlier.
21 It's the Uniform & Nondiscriminatory Guidelines for
22 Removal of Ineligible Voters --

23 MEMBER BARNABY: This is from the Secretary
24 of State's Office?

25 DEPUTY CLERK MONTOYA: That's from the

1 Secretary of State's Office.

2 And then the last ones are the
3 ordinances -- I'm sorry, the statutes that govern the
4 Board of Registration process as well.

5 So I think you guys have had a chance to
6 look over everything, with the exception of the
7 statutes. But right now I can turn it over to Olivia.

8 And Olivia, if you can explain to them what
9 we do on a daily basis when we get rid of voter
10 registrations.

11 MADAME CLERK TOULOUSE: Cancel. We
12 actually don't get rid of them, we just cancel them.

13 MS. BOLDEN: On a daily basis, we cancel
14 voter registrations from people who send us information
15 that they moved out of state, people who -- some people
16 can request that they be canceled. You know, they don't
17 want there to be voters anymore.

18 And we do -- we cancel the registrations of
19 deceased voters, so we get that monthly from vital
20 statistics. But that's basically what we do on a daily
21 basis. We cancel registrations when people move to
22 other counties also.

23 The County will transfer the whole record
24 from us to them. And if they don't, then we have to go
25 in and cancel their registration in Bernalillo County.

1 MADAME CLERK TOULOUSE: Also felony
2 convictions.

3 MS. BOLDEN: Oh, yeah, and felonies.

4 MADAME CLERK TOULOUSE: Those are more of a
5 suspense.

6 MS. BOLDEN: Yeah.

7 DEPUTY CLERK MONTOYA: And those are things
8 we do regularly every day. That's what Olivia and her
9 staff are in charge of doing.

10 Like I said, every day we add people in,
11 and we remove people from the rolls for those reasons.

12 MADAME CLERK TOULOUSE: And to be clear,
13 those are the only reasons. The only additional reason,
14 per statute, that we can cancel a voter is if they're
15 found to be mentally incapacitated by a court of law.

16 So if we ever got a notice that to
17 effect -- and I can't even think of a single case of one
18 that we've gotten.

19 MS. BOLDEN: Not in 21 years.

20 MADAME CLERK TOULOUSE: I was going to say
21 in 8 years, and you in 21 years.

22 Those are the statutory criteria for which
23 we can regularly remove voters, and this process is the
24 only other additional way in which we can remove voters.

25 MEMBER CARNES: Question, if I may? On the

1 moving out of state or to other counties, that's when
2 they've notified you or the other counties by sending a
3 notification when they've reregistered there.

4 As I recall, a couple of years ago we
5 talked about having eventually some national exchange of
6 new voter registrations. And everybody would compare,
7 so we could purge people or take them off the rolls here
8 if they moved to Pennsylvania. I assume nothing further
9 has happened on that?

10 MADAME CLERK TOULOUSE: Actually, I have
11 good news to report. There is a bill moving through the
12 Legislature -- it's already passed the House, and it's
13 hopefully going to get through the Senate in these last
14 couple of weeks -- that would permit the Secretary of
15 State to enter into interstate assurance compacts such
16 as that. And the one that I'm a big fan of is called
17 ERIC, the Electronic Registration Information Center.

18 If and when the bill passes, it requires
19 MVD and other agencies to basically link up with our
20 voter registration database, and it permits the
21 Secretary of State to share that data as long as, you
22 know, of course, private information is protected with
23 other states. So we'll have a much better sense of who
24 is moving to other states so that we can reach out to
25 those voters and cancel them from the rolls.

1 So that's actually happening, and hopefully
2 it will actually happen. It's a bipartisan bill
3 sponsored by Representative Smith from the East
4 Mountains and Senator Ivey-Soto, both from here in
5 Bernalillo County.

6 MEMBER BARNABY: I have a question. The
7 conditions you were mentioning, I noticed that some of
8 those are summarized in some of the material we had two
9 years ago. And I'm wondering -- I didn't have time to
10 look at it, but is what you just said summarized in here
11 as well?

12 MS. MARTINEZ: And actually, Mr. Barnaby,
13 what we provide you in this document here is how the
14 individuals who fall in this file that will be in
15 consideration today were identified. And I'll be going
16 over that in just a few minutes.

17 What Olivia explained is what we do on a
18 daily basis that is aside from this NVRA process.

19 MEMBER BARNABY: Thank you.

20 DEPUTY CLERK MONTOYA: And now we can
21 actually turn it over to Rebecca, and she can kind of
22 explain the NVRA process in more detail.

23 MS. MARTINEZ: Great. So as Roman
24 mentioned, this file right here that we're going to be
25 going over for you guys today contains over 22,000

1 voters.

2 Basically, the way these people were
3 identified was in August of 2012, the Secretary of
4 State's Office sent out a confirmation mailing. This
5 confirmation mailing was comprised of basically
6 comparing the voter registration database with the
7 change-of-address database from the United States Postal
8 Service.

9 After that comparison was done, basically
10 what the Secretary of State's Office did was make sure
11 that none of these people had voted in the election
12 prior to that.

13 So with that being said, all of these
14 people, these 22,000 people, were -- I ordered more than
15 the 22,000 people, the database that we first started
16 with, were flagged as inactive status.

17 Since that time, anybody who returned their
18 confirmation card responding to us, those people were
19 taken out of that flag.

20 MADAME CLERK TOULOUSE: Or voted.

21 MS. MARTINEZ: Yeah. And the second step
22 is anybody who voted.

23 So that was basically whittled down up
24 until this last point.

25 Olivia, what was the last date, would you

1 say, or the month that we received the NCOA cards from
2 any voters?

3 MS. BOLDEN: A large amount would be
4 September, probably October. No. September, October,
5 November. We're still getting them. So you know, like
6 two or three a day or something.

7 MADAME CLERK TOULOUSE: But we're talking
8 about the 2012 confirmation mailing. When did we
9 receive the last one for 2012?

10 MS. BOLDEN: 2012?

11 MADAME CLERK TOULOUSE: There shouldn't be
12 anybody on this list who was freshly sent a card in
13 2014.

14 MS. BOLDEN: Okay. 2012, I don't know,
15 because we didn't get enough back to even remember.

16 MADAME CLERK TOULOUSE: Okay.

17 MS. MARTINEZ: So just to clarify, everyone
18 from that list, any voters who returned an address
19 corrected confirmation card or anyone who voted in any
20 election between August 2012 and November 4th, 2014,
21 were taken off that list.

22 And what Roman is going to go over in this
23 database is to show you that these dates are in
24 compliance with what I just explained here.

25 Does anybody have any questions on that

1 process?

2 MEMBER CARNES: Do you have an estimate of
3 those that were flagged and didn't vote and were -- and
4 did change-of-address cards, so they were taken off
5 through that process, that don't show up on this list?

6 MS. MARTINEZ: I do not have that
7 information right now.

8 MEMBER CARNES: Okay. Is it in the
9 hundreds or in the thousands?

10 MADAME CLERK TOULOUSE: We know that
11 statewide, the mailing in 2012 was around 180,000. It
12 might have been 177. You know, you can always estimate
13 that Bernalillo County is around a third of anything.

14 MEMBER CARNES: But some of those would
15 have voted from '12 to '14 --

16 MADAME CLERK TOULOUSE: Correct.

17 MEMBER CARNES: -- that said, "Oh, yes, I
18 did move. Please send mine to Pennsylvania," or
19 whatever?

20 MADAME CLERK TOULOUSE: That is certainly a
21 datapoint. I'm not sure if we could recreate that, but
22 we could try to do that --

23 MEMBER CARNES: Because they've been
24 theoretically purged or have been taken off the voter
25 list. So they're no longer registered here and in

1 Pennsylvania or Massachusetts, or wherever they may have
2 moved to.

3 MADAME CLERK TOULOUSE: Correct.

4 MEMBER CARNES: Okay. Thanks.

5 DEPUTY CLERK MONTOYA: Well, we can start,
6 if you guys would like to. We can explain the database.

7 Do you guys have any more questions before
8 we turn to this portion of it?

9 MADAME CLERK TOULOUSE: Let me just
10 actually say another couple of clarifying things.

11 It's also possible for there to be people
12 that are not on this list that received a confirmation
13 card in 2012. And let's say, for example, they voted.
14 But then they also could have gotten a card in 2014
15 because they still hadn't updated their registration, or
16 something like that. They would be flagged as inactive
17 again, and we go through the whole process again.

18 So I just want to be clear that anybody on
19 this list should not be -- there are people on this list
20 who also could have possibly gotten a 2014 card, but
21 they're on this list because they received a 2012
22 confirmation, if that makes sense, or actually vice
23 versa. That there are people who received a -- that
24 there are people who will be on the 2014 list, and they
25 got a card in 2012, but they did something between 2012

1 and 2014 to take them off this list.

2 ALTERNATE MEMBER PERSONS: So all of the
3 vagaries have been thought through, and these are
4 strictly the ones by law that we can consider.

5 MADAME CLERK TOULOUSE: We've been over the
6 data, and we feel very confident. But we're going to go
7 through it with everybody here one more time because
8 it's not up to us.

9 ALTERNATE MEMBER PERSONS: So it sounds
10 like you and Roman and Rebecca and Olivia have been
11 doing your job since 2012, when the cards went out, to
12 assure --

13 MADAME CLERK TOULOUSE: Well, that is what
14 we certainly try to do.

15 ALTERNATE MEMBER PERSONS: Which is abiding
16 by the state law that you're supposed to abide by.

17 MADAME CLERK TOULOUSE: Correct. Yes,
18 ma'am.

19 MEMBER CARNES: In that same vein, is it
20 safe to assume that the Secretary of State has followed
21 all of those same rules that are here in terms of -- you
22 know, since the DOJ hasn't been here and saying, "You
23 can't do this" --

24 MADAME CLERK TOULOUSE: Correct.

25 MEMBER CARNES: -- I assume that office has

1 done everything they were supposed to do, as best we
2 know?

3 MADAME CLERK TOULOUSE: Correct. We feel
4 confident. Again, as you point out, there's no
5 Department of Justice telling us that we can't do this
6 process this year, like we were in the situation a
7 couple of years, and we did.

8 They informed us that the process that
9 we're following that they provided for us and that every
10 county is following was reviewed by the Department of
11 Justice. And we also had Eric, from our legal team,
12 review it as well, and we all feel confident that
13 everything is being done on the up and up.

14 DEPUTY CLERK MONTOYA: If for whatever
15 reason you have trouble seeing this, I don't know how to
16 enlarge this any bigger than it is right now. But if
17 you would like to get closer, let me know, and I can
18 move out of your way and I can move back a little bit.

19 We'll kind of go over all the titles of all
20 of these. I'll let you know this is the county. We
21 want to make sure all of them are within Bernalillo
22 County, so we do sort them. They are sortable.

23 So what we do, just to make sure, we sort
24 them A to Z just to make sure there are no counties that
25 start anything before us or after us. So we're going to

1 do Z to A, as well. That's just to know that all of
2 these people are within Bernalillo County.

3 The next thing is the registration ID. So
4 every voter gets a registration ID when they get here.
5 This is their party. DTS is Declined to State
6 Republican/Democrat and every other party that's
7 eligible.

8 Here is the last name of the voter, the
9 surname, whether it's Mr. or Mrs. or whatever. The
10 first name. This is their middle name or initial. This
11 is whether they're a junior or a senior or the III. I
12 think we'll find somebody -- there's a junior right
13 there. So that's what that one is for.

14 This is the date of their original
15 registration that we have with them. So you'll see
16 they're going to go from 1980 -- October 7, 1980, was
17 the people on the list. That's the earliest
18 registration date. 2731 of 2012.

19 We have their code. All their codes are
20 going to be inactive right now. These are also eligible
21 for the NVRA. So we'll make sure that every single
22 person on here -- that's from the lowest to the highest,
23 and this is from Z to A -- so everybody does have an I
24 designation. There's nobody that does not.

25 The status change, these are the --

1 [John Doran entered the room.]

2 MADAME CLERK TOULOUSE: Thanks, Brandon.

3 ALTERNATE MEMBER WALTERS: You're welcome.

4 MADAME CLERK TOULOUSE: Brandon subbed in
5 for you for the first part, and we are going to -- we
6 just started walking through the process.

7 You're very familiar with this process, so
8 we didn't feel like you needed a refresher.

9 If you would go ahead and sign your oath --
10 I'll have you read it and sign it, and then we'll
11 continue.

12 And then Roman was just walking through
13 everybody. What we're doing right now is a visual
14 review of the data.

15 And could I actually -- and I'm sorry,
16 Roman, to interrupt. But I want to explain that in the
17 past, before the state statutes changed on how we do
18 this process, we used to do things a little differently.
19 We used to convene the Board. Then you all would have
20 an opportunity to take that copious list with you and go
21 back and review it. You know, the parties could attempt
22 to contact voters to see if they, you know, still wanted
23 to stay on the list, that sort of thing.

24 The way the statute has changed, we
25 actually have a much more limited timeframe in which to

1 conduct cancellations. So actually, the Board will need
2 to render an instruction to the County Clerk by this
3 Friday.

4 So what we are doing -- and there was only
5 a short window in which to convene you. So the reason
6 we're conducting this visual review is for all of our
7 comfort level to feel that everything on this list
8 comports with the criteria that should be there.

9 With that being said, you know, what
10 happens next is really at the Board's discretion. We're
11 not going to try to direct you what to do. But in order
12 for these voters to be removed, you will have to render
13 a direction to us before and by Friday.

14 ALTERNATE MEMBER PERSONS: Can I ask a
15 question.

16 MADAME CLERK TOULOUSE: Yes, ma'am.

17 ALTERNATE MEMBER PERSONS: What
18 ramifications are there if we go beyond the 15th?
19 Because you know, we don't want to cause this office any
20 difficulty.

21 MADAME CLERK TOULOUSE: And Eric, I know
22 you've reviewed the statute, so correct me if I'm wrong.
23 But basically, the ramifications are that if the Board
24 should, in the view of the statute, fail to direct us to
25 cancel otherwise appropriately identified voters, then

1 the Secretary of State can file a petition in court to
2 have them removed.

3 MEMBER CARNES: It's taken out of our hands
4 is what I --

5 MADAME CLERK TOULOUSE: Correct.

6 ALTERNATE MEMBER PERSONS: That's not very
7 good headlines.

8 MADAME CLERK TOULOUSE: Probably not.

9 DEPUTY CLERK MONTOYA: Do we want to
10 continue on with swearing in the chairperson, or do you
11 want to wait?

12 MADAME CLERK TOULOUSE: Let's do this:
13 Will you just sort of finish your overview, and then we
14 can let them have their process at that point.

15 DEPUTY CLERK MONTOYA: Okay.

16 So J.D., I'm going to back up just a little
17 bit real quick. What these are these are the headers
18 for all the files. This is Bernalillo County. Just to
19 let you know, we've done a sort of all 22,000 people
20 here, that they all are in Bernalillo County.

21 These are their registration IDs. This is
22 their party, political party assigned. This is their
23 last name, their surname, whether it's a Sir or a Mr.
24 This is their first name, middle name, and then their
25 suffix, whether they are a junior or senior or the III

1 or something else.

2 This is the date of their registration.
3 That's where we're at right now. The earliest date we
4 had was from January -- I'm sorry, October of 1980, and
5 it goes all the way until July of 2012.

6 These are all inactive. We've gone through
7 all of these to make sure that they all are inactive, as
8 well.

9 The status change, this is going to let us
10 know when they had their status change. This is going
11 to be from August 1st of 2012. That's when the
12 confirmation mailing was sent out. And that's when
13 everyone as a whole was made into inactive status and
14 flagged as NVRA.

15 So on these, you're going to see the oldest
16 to the newest. And then you're going to see some
17 changes on this one by the last vote. So these are all
18 the ones -- everyone's status was changed on October
19 1st. And that's where all the major -- and obviously,
20 there was more. But those people had returned their
21 cards or voted since then.

22 This is the last vote today, and this is
23 going to be the critical ones. I have these three
24 highlighted. These are the three main ones that you're
25 looking at. You're going to see -- before I go into

1 these in more detail, I'm going to tell you about the
2 rest.

3 This is the NVRA mailing that went out that
4 we were talking about earlier on August 1st, 2012. This
5 is the undeliverable mailings that we have, as well. We
6 do consider those an undeliverable mailing. If we do
7 get those back to us, then we do flag those as
8 undeliverable. That's the reason for that.

9 Next we have the source of how they did it.
10 They initially came in. They walked in, they did the
11 mailing. This tells you how they registered originally.
12 And then the last maintenance date was the last time
13 anything was done to these people in our system.

14 So what we want to talk about is the last
15 voter date. What you're going to see is you have some
16 people that voted in 1992, and that's the last time
17 we're showing these people voted.

18 Now, the reason why we do these -- there's
19 not a ton of them. We'll go down, and you'll see '96,
20 '98, 2000, 2002, 2004, 2008. And then we'll keep going
21 down to --

22 MADAME CLERK TOULOUSE: Are the ones with
23 the blank, they don't have any voting history at all?

24 DEPUTY CLERK MONTOYA: The ones that
25 haven't voted at all.

1 So we have 17,660 people who have voted,
2 but the last voting date we have on them is the June
3 primary of 2012. And you'll see it's only a handful.
4 That's only eight people who have voted in 2012.
5 Everyone else was 2011 and before. You're going to see
6 blanks right here for everybody else. The reason is
7 these people never voted.

8 We did randomly check the cycles with these
9 people to make sure that they had not. And it's true,
10 they had not. They had registered. But just because
11 you register to vote doesn't mean you have to vote. So
12 these people have no voting history at all.

13 MEMBER CARNES: And that's any election,
14 not just a federal election?

15 DEPUTY CLERK MONTOYA: Uh-huh. And if you
16 look at the registration dates on a lot of these people,
17 it's 2011 and 2012. These are people who registered
18 within about a year, but didn't exercise their right to
19 vote. And that's not all of them, but that's a big
20 chunk of them.

21 MADAME CLERK TOULOUSE: And just to
22 clarify, the people with a very old voting history, and
23 the reason why they've never been on the cancellation
24 list before, is because they were still receiving mail
25 at their address all that time.

1 There's nothing preventing you, as a voter,
2 from remaining registered, even if you don't vote. But
3 once we send you an official piece of election mail and
4 it bounces back to us, that's when you get put in this
5 queue, as we discussed with you all.

6 DEPUTY CLERK MONTOYA: So Maggie's right.
7 If you've been receiving mail this whole time, then
8 you're on our list. There's no reason for us to take
9 you off. It's only when it's undeliverable and it comes
10 back to us, that's when we put you as flagged with NVRA.

11 MEMBER BARNABY: What did you say were the
12 total number of people on the list?

13 DEPUTY CLERK MONTOYA: 22,569, I believe.
14 Yes, 22,569.

15 So before we go on, do you guys have any
16 questions on the last voting date?

17 The NVRA mailing, this is the mailing that
18 we did. So the oldest date we had was August of 2012,
19 August 1st. And we have some that go all the way to --
20 we have about 89 people who had received mailings
21 afterwards that have been undeliverable as well. And
22 those could be other confirmation mailings, those could
23 be regular mailings that we do to them.

24 Anything that we send these people that we
25 get kicked back, we put it in, and it overrides that.

1 But we do note the fact that we did send them something
2 that was marked as NVRA. But the original date was
3 still August 1st, so that's why those dates you're going
4 to see right here are after the August 1st, 2012, date.

5 MADAME CLERK TOULOUSE: The important date
6 is the status change date, because that's the day that
7 they were switched to inactive.

8 DEPUTY CLERK MONTOYA: And everybody's
9 status date, as we checked, was August 1st, 2012.

10 And then there's the undeliverable
11 mailings. Those are what we were talking about. These
12 are the ones that we mailed them afterwards, and the
13 source and the maintenance.

14 So out of the 22,569 people, everybody had
15 a status change August 1st of 2012, and nobody has voted
16 since that date to today. That's why everyone on this
17 list is eligible to --

18 MEMBER CARNES: The mailings after August
19 2012, would those have been again official NVRA
20 mailings? Why --

21 MADAME CLERK TOULOUSE: Any official mail
22 that we send, if it's returned as undeliverable to us,
23 is flagged as NVRA. It's not necessarily the
24 confirmation mailing.

25 But anybody who is flagged as NVRA at the

1 time the confirmation mailing is sent out needs to be
2 sent a confirmation mailing, if that makes sense.

3 MEMBER CARNES: What piece of mail would
4 they have received that would have been subsequent to
5 the August 2012 --

6 MADAME CLERK TOULOUSE: We send out voter
7 information letters prior to elections.

8 MEMBER CARNES: Okay.

9 MADAME CLERK TOULOUSE: We routinely
10 conduct audits to make sure that, you know, street
11 segments and whatever are lying with the correct
12 precinct or the correct district.

13 And when we find something out of place and
14 we make a change, we send an updated voter
15 identification -- or a voter information card to that
16 voter.

17 MEMBER CARNES: So if they changed in
18 the -- okay.

19 MADAME CLERK TOULOUSE: We could -- here's
20 another possibility: That voter could have requested an
21 absentee ballot. We could have mailed them an absentee
22 ballot that could have been returned undeliverable. And
23 they never voted, so their voting history never changed.
24 Things like that.

25 MEMBER CARNES: Okay. Thank you.

1 DEPUTY CLERK MONTOYA: So these are all the
2 criteria that we have for all the voters that are on
3 this list right here. And as you can see from what
4 we've gone over here, everybody is eligible to be
5 purged.

6 So at this point, we'll kind of turn over
7 everything to you for any questions you have regarding
8 the data we just showed you. If you would like to see
9 anything more in detail, please let me know. We can go
10 through it.

11 If there are any questions you have at all
12 right now where we can kind of turn it over and we can
13 swear in a -- vote for a chairperson, and then decide
14 what to do at that point.

15 MS. MARTINEZ: And if I can just add one
16 thing. So Roman just went over this list right here.
17 Just so that you guys know from an internal procedural
18 standpoint, we use the instructions that were given to
19 us from the Secretary of State's Office to pull this
20 report.

21 So it's a uniform set of instructions
22 that's given to all of the 33 county clerks in which we
23 extract this information from the voter registration
24 database.

25 DEPUTY CLERK MONTOYA: And that was

1 included in the packet that we gave to you as well.

2 MR. RUVOLO: So the instructions are -- the
3 Secretary of State sends you instructions on how to use
4 your database. They don't send you a list?

5 MS. MARTINEZ: That is correct.

6 DEPUTY CLERK MONTOYA: That's correct. We
7 pull those directly from the instructions.

8 MEMBER CARNES: I guess a preliminary
9 question, maybe it's counsel's: As a board, what is our
10 obligation in terms of -- I went through the
11 instructions two or three times. At first I thought
12 maybe we don't even have to look at the list. But I
13 read in two or three places that it says --

14 MADAME CLERK TOULOUSE: You should review
15 the list.

16 MEMBER CARNES: -- "Thou shall review the
17 list."

18 MADAME CLERK TOULOUSE: Right.

19 And that's -- so we're being creative with
20 you all about how to review a 22,000-person list,
21 especially in the statutorily short time frame that we
22 have to work within.

23 This was the idea that we came up with. If
24 you all have a preference -- and, of course, providing
25 you all with a digital copy or a printed copy -- if you

1 have other requests to make of us in terms of how you
2 would like to go about reviewing the list, you may
3 direct us accordingly.

4 ALTERNATE MEMBER PERSONS: This seems to
5 work, given the fact that we've got four or five days to
6 come up with a board report.

7 MADAME CLERK TOULOUSE: This was the best
8 idea we could come up with. But of course, again we'll
9 provide whatever is requested at the direction of the
10 Board.

11 MEMBER CARNES: One other preliminary
12 question: About when did we get the instructions from
13 the Secretary of State? It looked like it was drafted
14 or converted to a PDF on the 26th of February, so it was
15 obviously sometime after that.

16 Do you know about what day, just out of --

17 DEPUTY CLERK MONTOYA: It was after that.
18 I don't know exactly what date.

19 MEMBER CARNES: That's fine.

20 MADAME CLERK TOULOUSE: What we did was we
21 just reviewed them internally first and ran them by
22 County legal. We all felt comfortable with them before
23 we provided them to you all.

24 ALTERNATE MEMBER PERSONS: That was your
25 due diligence?

1 MADAME CLERK TOULOUSE: Correct. Thank
2 you, Leah.

3 MEMBER BARNABY: Is there an appeal process
4 for someone who is removed off the list?

5 DEPUTY CLERK MONTOYA: I haven't seen any
6 appeal process in the state statutes that I've looked
7 at. I don't know if there was a process before this
8 cycle when the new statutes were done. All the research
9 I've done, from the administrative code to the statutes
10 to the instructions here, don't have anything.

11 But if a person were to show up today,
12 before you guys purged, and said that, "I am who I am,"
13 before you purge it, then we would have no option but to
14 make them active again.

15 MADAME CLERK TOULOUSE: I think the
16 remedy -- the good news is that the remedy is quite
17 simple. The voter simply needs to fill out a new voter
18 registration card.

19 MEMBER BARNABY: Just reregister?

20 MADAME CLERK TOULOUSE: Correct.

21 DEPUTY CLERK MONTOYA: Their history and
22 everything will stay with them. Nothing will change
23 with that person.

24 Just because we flag them removable, if
25 that person comes in tomorrow or the day after, and you

1 guys decided to purge them, they would just reregister,
2 and that person's history and everything will be
3 reactivated again.

4 MR. RUVOLO: Would their voter ID number
5 stay the same?

6 MADAME CLERK TOULOUSE: Yes.

7 DEPUTY CLERK MONTOYA: Everything would
8 stay the same on it, everything.

9 MS. THOMAS: When do you actually do the
10 purge physically? Is that you, or is that the Secretary
11 of State?

12 MADAME CLERK TOULOUSE: No, we do it.
13 We're charged by statute to do it, and we'll do it
14 immediately pursuant to the direction of the --

15 MS. THOMAS: So like the following week you
16 would be actually --

17 MADAME CLERK TOULOUSE: Probably like the
18 next day or later that day.

19 MR. RUVOLO: But as I recall, those records
20 have to stay with you for what, six years?

21 MADAME CLERK TOULOUSE: We maintain the
22 hard copies. And also, as Roman noted, the way we
23 manage our database is that we don't ever permanently
24 delete a record. We make voters' removable status, you
25 know, based on criteria.

1 And if they're deceased, obviously they're
2 never going to be restored. But that way, if somebody
3 tries to, say, fraudulently register as a deceased
4 person, we know that this is a deceased person because
5 we have it flagged in the system.

6 So there's reasons why we keep the old
7 records.

8 MEMBER BARNABY: I'd like to mention a case
9 that occurred to me that I was involved in. Some years
10 ago, a gentlemen who was convicted of a felony and
11 therefore lost his right to vote -- and I don't know if
12 he was ever incarcerated or not, but he did fulfill the
13 conditions under which his voter registration was
14 restored, and he voted in an election. Four months
15 later, he was no longer on the voter registration list.

16 It took a while to track this down. But it
17 turns out the problem existed in the courts because they
18 had some of the documents that they were supposed to
19 file by a certain time, and they failed to do so, and
20 they didn't inform him of this.

21 So it was really a surprise to him when he
22 could vote in November, but he could not be a registered
23 voter in January.

24 MADAME CLERK TOULOUSE: We occasionally
25 have some weirdness with the felony data.

1 I recall a situation in which an uncle of
2 mine by marriage, who had been pardoned back in the '70s
3 for a crime he had committed, popped back up as a felony
4 flag, and he was going to be one of our poll workers.

5 So there is occasionally some weirdness
6 with that court's data, and you know, that is something
7 that happens. And we try to work with those voters.

8 MEMBER BARNABY: So we can anticipate that
9 something seldomly occurs. But they're always a
10 surprise, and something has to be done to resolve it.

11 ALTERNATE MEMBER PERSONS: But this list is
12 mainly who have been inactive and unresponsive to
13 communications?

14 MADAME CLERK TOULOUSE: That is correct.

15 DEPUTY CLERK MONTOYA: That's exactly
16 right.

17 MEMBER DORAN: Not necessarily in that
18 order, though.

19 DEPUTY CLERK MONTOYA: So would the Board
20 like to proceed with nominating a chairperson?

21 MEMBER CARNES: Is his swearing in done
22 just by the signature?

23 MADAME CLERK TOULOUSE: Yes.

24 MEMBER BARNABY: I nominate John Doran.

25 MEMBER CARNES: Second.

1 DEPUTY CLERK MONTOYA: All in favor?

2 ALL MEMBERS: Aye.

3 DEPUTY CLERK MONTOYA: All opposed?

4 [No audible response.]

5 DEPUTY CLERK MONTOYA: All right. That
6 passes.

7 Mr. Chairman, I'm going to turn it over to
8 you now at this point.

9 CHAIR DORAN: Thank you.

10 The first question I would have before we
11 go any further: Is there an electronic copy of that
12 available?

13 DEPUTY CLERK MONTOYA: Yes, there is. And
14 I can provide one to each one of you.

15 CHAIR DORAN: Are you going to email it to
16 us and save us a lot of trouble?

17 DEPUTY CLERK MONTOYA: I will probably just
18 put it on a junk drive, if that's okay.

19 CHAIR DORAN: Even better.

20 DEPUTY CLERK MONTOYA: It's not a huge
21 file. It's about 2 megabytes, 2 1/2. For email,
22 sometimes that's an issue. I can give you junk drives
23 of it all before you leave.

24 CHAIR DORAN: Okay.

25 DEPUTY CLERK MONTOYA: If you guys --

1 MEMBER BARNABY: You mean it will fit on
2 here?

3 DEPUTY CLERK MONTOYA: We have junk drives
4 from the County that we have to use, and we'll just turn
5 them over to you. They're blank on the inside, and
6 we'll just turn them over to you guys as the Board.

7 CHAIR DORAN: Superb. That's what I
8 needed.

9 I guess let's go on with the guidelines for
10 removal. Did that pretty well cover it?

11 MADAME CLERK TOULOUSE: Yeah. And we went
12 over all the criteria that would lead to somebody being
13 on this list and remaining on this list since the
14 confirmation mailing went out in August of 2012.

15 If you want, we can go through the process
16 that we used to pull this report, if that's something
17 that the Board wants us to go over with you.

18 ALTERNATE MEMBER PERSONS: I think that's
19 pretty much outlined in the schedule that you have sent
20 us.

21 MADAME CLERK TOULOUSE: It is.

22 CHAIR DORAN: What you said is correct.

23 DEPUTY CLERK MONTOYA: Pretty much
24 everything that we've been talking about up here is
25 exactly the guidelines that are in here that we've

1 covered.

2 We can go back over anything. If you guys
3 have any questions or clarification over any of these
4 steps that we've done, we can go over it again. We can
5 talk about it. You guys can discuss it. You can decide
6 to take it and review it on your own. It's kind of all
7 up to you at this point.

8 MEMBER CARNES: Mr. Chairman, I don't have
9 a problem taking it and then reporting back. But 22,000
10 at 41 on a screen done alphabetically, you know, two
11 minutes a screen, I think we can be out of here in a
12 couple of hours just looking at them by screen.

13 I guess my general attitude is that the
14 worst that happens is somebody is deleted. We can then
15 take the list with us later. And if the parties
16 determine somebody really is there and has been in the
17 hospital for ten years or whatever, we can have them
18 registered and be done.

19 I guess, Mr. Chairman, the other question I
20 would have for the County Clerk is: Our report, is that
21 in the form of a motion that we would make to agree to
22 purge all but one, or how however that comes out?

23 MADAME CLERK TOULOUSE: Mr. Chairman, Sam,
24 correct. You would take official action as a board to
25 direct us, and that would be documented in the minutes.

1 And we'll provide the minutes to the Secretary of
2 State's Office or anybody who asks for them. It will be
3 a public document.

4 The only thing that I will note is that if
5 for whatever reason -- let me back up. I think your
6 suggestion is a good one, Sam. I think that -- and
7 we're certainly prepared to work with you all as long as
8 you want today to go through the data. I know that's
9 what other counties are doing. So we're certainly
10 prepared to do that, as well.

11 The only thing would be is if you
12 determine, for whatever reason, to direct us not to
13 cancel one or more registrations, we need to provide a
14 written just justification, per the guidelines. But
15 other than that, just a motion, an official action by
16 the Board that's probably documented.

17 CHAIR DORAN: Would it be appropriate -- I
18 hate to interrupt.

19 MADAME CLERK TOULOUSE: That's okay.

20 CHAIR DORAN: But would it be appropriate
21 for us to make a motion to do the purge on, say, Friday,
22 for example, with the exception of any information that
23 we get back to you between now and then? That would
24 leave us an opportunity to go through the list and see
25 if there's anything that jumps out as irregular or...

1 MADAME CLERK TOULOUSE: Eric, what are your
2 thoughts on that.

3 MR. SCHULER: Well, you know, this federal
4 statute talks about -- the state statute doesn't have
5 any specific time limits. Except if you read the
6 language, it does talk about, "No later than the 15th
7 day, the Board shall review," which I would think means
8 go through all of this. And then the next sentence,
9 "the Board of Registration shall direct the County
10 Clerk," but it doesn't have a date for that. They could
11 easily put in a date if they wanted to.

12 The federal statute that this has tracked
13 talks about 90 days before the next primary election.

14 MADAME CLERK TOULOUSE: And correct me if
15 I'm wrong, Eric. But when we sort of asked for your
16 guidance on this, you felt that the state statute,
17 although it's not clear, that you felt like you should
18 probably try to do it by the 15th.

19 MR. SCHULER: I think that's the best,
20 given the next statute that allows the Secretary of
21 State to launch an investigation and go to court.

22 But I think, you know, a reasonable -- if
23 there's a delay, if we have a reason for it and you guys
24 are stating the fact that probably in Bernalillo County,
25 more than any other county, has got 26,000 --

1 MADAME CLERK TOULOUSE: 22,000.

2 MR. SCHULER: -- 22,000 names, I just think
3 that probably every county in the state has a
4 five-person board. It's just a lot more work here, and
5 I think that's reasonable. I think that will be
6 reasonable especially given the fact that the federal
7 statute doesn't require this work to actually be done
8 until next March.

9 MADAME CLERK TOULOUSE: So you know what
10 your options are.

11 DEPUTY CLERK MONTOYA: The only suggestion
12 I have is just -- according to the state statute, if a
13 deadline date does fall on a weekend, then the next
14 business day would be the date. And Sunday is the 15th.
15 That would leave us until Monday, the 16th, to still be
16 in compliance, if we wanted to.

17 We could even meet Friday, if we needed to,
18 with the 72-hour notice being met. If we put the notice
19 out today, we could even meet on Friday again to do the
20 final purge, if we needed to, as well.

21 Is that your understanding as well?

22 MR. SCHULER: I think so. And I think, you
23 know, just from my experience over at the District
24 Court, I think if the Secretary of State on Tuesday
25 decided to file a lawsuit as part of their statutory --

1 you know, and the Clerk and the Board came in and said,
2 "We've been working on it," I just don't see that going
3 anywhere.

4 But I do think the Clerk is correct,
5 though, that as soon as we can get it done and you guys
6 feel comfortable with it, that's the best day. But you
7 know, it probably wouldn't be a good idea to sit on it
8 until May, June.

9 It would be best to get it done by the end
10 of the month, I would imagine. But it then creates a
11 lot of tension, I think, between the different agencies
12 involved.

13 ALTERNATE MEMBER PERSONS: I just have one
14 question. The members will be getting a copy of this
15 list on a county property disc. Will they be returning
16 it? And are there any guidelines as to how that list is
17 to be handled between the Board members as sworn-in
18 members of the Board.

19 MADAME CLERK TOULOUSE: Mr. Chair and Leah,
20 we're not going to provide you any information that's
21 not publicly available, so there are not going to be any
22 restrictions on what you do with that data.

23 DEPUTY CLERK MONTOYA: Yeah. There are no
24 confidential fields, like Maggie was saying, on this
25 data at all. Everything is public record on there.

1 MEMBER CARNES: Just to reiterate,
2 Mr. Chairman, my preference would be that for me,
3 sorting that alphabetically and sitting here and going
4 through it and attempting to finish our job today would
5 be ideal.

6 There may be somebody on there that I know
7 personally, but I would be surprised, looking at how
8 many you have and so forth. And again, it's not -- the
9 harm if we purge somebody or we direct the County Clerk
10 to purge somebody that is in fact -- you know, should
11 still be on the rolls for some reason is fairly simple.
12 And we can then take as much time, either by party or
13 individually or however, we want, to contact those
14 people and get them back on the rolls.

15 I don't know what everybody else's schedule
16 is.

17 CHAIR DORAN: My thought on a massive list
18 like this, I would like to sit down with my computer and
19 sort it this way, sort it that way. That gives you an
20 idea to see if there are any patterns that jump out.

21 Any patterns that jump out would indicate
22 that there's reason to do a direct query. You know, go
23 and find a neighborhood, for example, and see if that
24 was a significant factor.

25 There are a number of things like that that

1 you could do if there was like people that all
2 registered at the same time and the same way.

3 But yeah, that's my thought. I would
4 really like some quality time with my computer with
5 that.

6 MEMBER BARNABY: Could we combine both of
7 these suggestions and spend an hour or so, now that
8 we're here, going over this? And then take it home,
9 like you say, and do it at our leisure for another
10 couple of days and meet again on Friday?

11 CHAIR DORAN: I could go with that.

12 The question is, or the next question would
13 logically be: If we get together again on Friday, it
14 would be a really, really, really short meeting. I
15 would walk in, yea or nay, and we're out of here.

16 MEMBER BARNABY: That suits me.

17 MADAME CLERK TOULOUSE: And Mr. Chairman,
18 Members, just to reiterate, we're at your service.

19 CHAIR DORAN: Does that seem to be the
20 consensus of the Board?

21 MEMBER CARNES: I have no problem doing
22 that.

23 ALTERNATE MEMBER PERSONS: Is there a
24 motion that needs to be made?

25 MEMBER CARNES: Do we need to have a motion

1 for that, or is that just a procedural thing that we
2 can --

3 CHAIR DORAN: At this point, I would say,
4 since we're totally informally doing stuff at this
5 point, we could just do like an hour or more, as you
6 indicated here and now, adjourn the meeting, and then
7 hit the road and spend some quality time.

8 MADAME CLERK TOULOUSE: And Mr. Chairman,
9 Members, forgive my interruption. What I would just --
10 and I think that would be fine.

11 What I would just recommend is, you know,
12 obviously, prior to adjournment, you know, setting the
13 next meeting date. And then we can do what we need to
14 do on the public notice end and securing a court
15 reporter.

16 CHAIR DORAN: Any objections to Friday?

17 ALTERNATE MEMBER WALTERS: No.

18 MEMBER CARNES: Later than 9:00 on Friday.

19 MADAME CLERK TOULOUSE: Agreed. On the
20 time change week.

21 CHAIR DORAN: Any objection to 10:00? If
22 you guys go with 10:00, I'll bring donuts. How does
23 that sound?

24 MADAME CLERK TOULOUSE: Is everyone okay
25 with that?

1 [All members in agreement.]

2 CHAIR DORAN: I'll bring donuts, you guys
3 provide coffee, and we're good.

4 MADAME CLERK TOULOUSE: We can do that.

5 CHAIR DORAN: And I suspect that would be a
6 really, really short meeting.

7 DEPUTY CLERK MONTOYA: In the meantime, the
8 only thing I would just -- we do have contact
9 information for all the people here. What I would
10 suggest is in order to avoid anything like a rolling
11 quorum, anything like any improprieties, at this point I
12 would just have all contact come through myself or
13 through Maggie, if you guys have questions. That way,
14 there aren't any unethical guidelines that could be
15 happening between now and then.

16 ALTERNATE MEMBER PERSONS: The Open Meeting
17 is probably observed.

18 DEPUTY CLERK MONTOYA: Correct. That's
19 exactly correct. And since there are only three
20 members, if two members talk, then that could be
21 considered a rolling quorum right there.

22 Mr. Chair, if it's okay, I'm going to go
23 ahead and sort these by last name alphabetically. Is
24 that the way the Board would like to proceed?

25 CHAIR DORAN: Are you good with that?

1 MEMBER CARNES: Sure.

2 CHAIR DORAN: Let's do it.

3 DEPUTY CLERK MONTOYA: And we can do 40 at
4 a time per page, if that's okay. If it's better for
5 you, it's a lot easier to see if we turn the lights off
6 or dim the lights a little bit. Or do you guys want to
7 leave it the way it is here? Whatever you guys want to
8 do, your eyes are going to be straining after a while.

9 CHAIR DORAN: I think we're good.

10 MEMBER CARNES: Do you have addresses on
11 this? Because that would be helpful. That gets to your
12 point. Are there patterns of whatever that we can see?

13 CHAIR DORAN: That's why I wanted -- well,
14 see, you've got the ID number. And given the ID number,
15 I could just go select the ID from the voter database.
16 Then I've got everything.

17 DEPUTY CLERK MONTOYA: The list that we had
18 that we provided for the instructions does not contain
19 an address field. It does not contain an address field.

20 MEMBER CARNES: But I don't have a current
21 voter list that I can then do that sorting. So if
22 you're going to give us something that we're supposed to
23 work with -- and I think Chairman Doran's position is
24 about trying to say patterns would be helpful.

25 Because there are a number of Aarons,

1 Abeytas and so forth. Not knowing where they are or
2 where they lived at the last time, it's not terribly
3 helpful. But if we had addresses, that would be -- if
4 we're going to, you know, try to see if there's some
5 unknown patterns.

6 ALTERNATE MEMBER PERSONS: For instance,
7 Aaron. One could presume, without addresses, that an
8 entire family moved out of state because it's Mr. and
9 Mrs., and Miss and Ms.

10 MADAME CLERK TOULOUSE: I'm not sure what
11 the -- I mean first all, the addresses are public
12 information. I'm not sure what the prohibition would be
13 there for us to --

14 DEPUTY CLERK MONTOYA: We provide mailing
15 lists to people when they come in for addresses. That's
16 public record as well. I don't know if --

17 MEMBER CARNES: Then you've got county
18 parties, and they did their board chairs list and
19 everything.

20 And I think two years ago, we got a full
21 list of the entire voter database, if I recall.

22 MADAME CLERK TOULOUSE: Mr. Chairman, if
23 you don't mind, let me just ask my staff a question.

24 So in producing this export, we're
25 specifically instructed not to produce --

1 MS. MARTINEZ: We're not specifically
2 instructed to. We're given a set of instructions on how
3 to generate the report. And I'm assuming that the
4 report already has predetermined columns such as this
5 that are -- so there's nothing within the guidance from
6 the Secretary of State's Office that prohibits us or
7 explicitly states that we do not give addresses.

8 DEPUTY CLERK MONTOYA: And the address was
9 not excluded intentionally. That's just the report that
10 was generated from their template that they set up.

11 MADAME CLERK TOULOUSE: I could -- you
12 know, you could reach out to the Secretary of State's
13 Office real quick just to see if we can generate a
14 report, if there is any reason why that was deliberately
15 left out.

16 I wouldn't think it would have been
17 intentional, but there might be a reason why that I'm
18 not thinking of.

19 DEPUTY CLERK MONTOYA: Okay. I'll call
20 them.

21 MR. SCHULER: I think they just went to the
22 criteria set forth in H, and the address isn't on there.

23 MADAME CLERK TOULOUSE: It's not?

24 MR. SCHULER: No. But I don't think that
25 means that the Board can't necessarily consider it.

1 ALTERNATE MEMBER PERSONS: That might be a
2 minimum criterion.

3 MADAME CLERK TOULOUSE: Well, it's not a --

4 CHAIR DORAN: "Neither prohibited nor
5 encouraged."

6 MEMBER CARNES: That's from the
7 administrative rules you're referring to?

8 MADAME CLERK TOULOUSE: Does the Board want
9 to take a quick break? We can get you a copy of that
10 rule, and then we can contact the Secretary of State's
11 Office and see if we can get a little clarification on
12 that so we can provide you with some more information.

13 DEPUTY CLERK MONTOYA: Take about a
14 ten-minute break?

15 CHAIR DORAN: That works for me. If there
16 are no objections, it is so ordered.

17 [Recess was taken from 10:08 to 10:20 a.m.]

18 CHAIR DORAN: Are we back on the clock?

19 MEMBER CARNES: Yes.

20 CHAIR DORAN: If there are no objections,
21 we're back on the clock. Let's do it.

22 MS. MARTINEZ: So while we were on break, I
23 called ES&S, which is the software company that we get
24 this product from, the Power Profile Voter Registration
25 Database.

1 They did confirm that the report that we
2 ran, which we were instructed to by the Secretary of
3 State's Office, does not include the address column.
4 This is just a customary report that doesn't have the
5 option for that. And I also confirmed with the
6 Secretary of State's Office that it would be a problem
7 to give the address.

8 So what Maggie had suggested was basically
9 providing you with the voter registration database. We
10 can certainly do that, and then that would allow you to
11 do any and all comparisons that you would like to on
12 this data itself.

13 ALTERNATE MEMBER PERSONS: Using the voter
14 ID number.

15 MS. MARTINEZ: You can use the voter ID
16 number, exactly. That would be the unique identifier.

17 CHAIR DORAN: I notice a couple of them are
18 funky, like Number 5. It looks like it's a text field
19 instead of a number.

20 DEPUTY CLERK MONTOYA: This one right here?

21 MR. DORAN: Yeah. That's not --

22 MADAME CLERK TOULOUSE: That looks like a
23 date.

24 MEMBER CARNES: Yeah, it does. You know,
25 when I'm sorting these things, what I often do is I will

1 go in and color all of the cells.

2 For instance, you know, if you could sort
3 your database and put all of these at the very top, then
4 I would color them, and then I could sort around. And
5 then I can -- you know, I could sort by House District
6 or precinct or date of birth or whatever and see where
7 the colored cells fall out.

8 You know, that may be simplistic because
9 I'm not that much of a computer person. But that's
10 usually the way I do it to make it easy to find those
11 people.

12 MADAME CLERK TOULOUSE: Yeah, that visual.

13 Mr. Chairman, if I might just check with my
14 staff on something real quick.

15 Do you guys think we could talk to Janet
16 and see if there's a way we can have her produce a
17 report, which is just these records, but with the
18 additional data criteria that these guys are interested
19 in?

20 MS. MARTINEZ: Yeah, and we can definitely
21 do that, too, Maggie. What we will do is run a PSR of
22 anybody that falls under Inactive. And then we would
23 just do like a conditional formatting or something
24 because that would include more people who are inactive
25 besides just this. But we could definitely provide

1 that. That's a little bit more concise and clear, and
2 it's just these people.

3 CHAIR DORAN: Some of the fields that are
4 up there I don't recognize, like your source, where you
5 register to have them send for it.

6 DEPUTY CLERK MONTOYA: Just to make
7 everybody aware, we did go back to 2009, the last time
8 we did a purge, and there was no address field. The
9 same fields that are on here right now are the same
10 fields that are here.

11 So it looks like the report hasn't changed
12 from ES&S for I don't know, at least since 2009.

13 CHAIR DORAN: Forever. But when we did
14 that the last time, we also did it electronically. Give
15 it to me electronically. I don't care. I'll do my own
16 thing.

17 MADAME CLERK TOULOUSE: You had more time
18 to review it.

19 CHAIR DORAN: That, too, yeah.

20 MADAME CLERK TOULOUSE: You spent like a
21 good month or so in between meetings.

22 CHAIR DORAN: Yes, we did. It was a good
23 exercise, very good exercise.

24 DEPUTY CLERK MONTOYA: So Mr. Chairman, how
25 would you guys like to proceed right now? With all the

1 options that you have and with us able to give you the
2 reports that you need, how would you like to proceed?

3 MEMBER CARNES: Well, I guess, if I may,
4 Mr. Chairman?

5 CHAIR DORAN: Please.

6 MEMBER CARNES: When will be get a disc or
7 flash drive or --

8 DEPUTY CLERK MONTOYA: Well, because this
9 is not what you guys wanted, you guys want one that has
10 the address field as well, we'll have to generate that
11 today. I would imagine by midafternoon it could be
12 ready. I'm assuming that everyone is able to do it. We
13 generate the report, and the person who we're asking to
14 do it is able to do it as well.

15 MADAME CLERK TOULOUSE: And Mr. Chairman,
16 Roman, could we, in that case, just transmit it to them
17 through THRU, which is or secure email FTP site.

18 MEMBER CARNES: That's fine. If we're
19 going to add things, it would be nice to know past
20 districts on there also, so we can try to get some of
21 that pattern.

22 MADAME CLERK TOULOUSE: Mr. Chair, Sam, I
23 would think address, precinct. We could provide you
24 with legislative districts. I mean obviously, there's a
25 number of districts.

1 What is the pleasure of the Board in terms
2 of which and how many?

3 MEMBER CARNES: I don't know that I need
4 anything other than address and house districts. You
5 know, I don't need senate districts added on. All of
6 the other --

7 CHAIR DORAN: You know, thinking about
8 that, there are a number of fields that would be
9 informative, but not necessarily necessary, but
10 informative nonetheless.

11 I'm thinking house -- well, precinct for
12 sure. House and Senate would be nice. And of course,
13 address, which is the whole reason we're doing that.

14 DEPUTY CLERK MONTOYA: Just to be clear, we
15 have two addresses. Obviously, you guys mean their
16 residence address?

17 MEMBER BARNABY: Resident address.

18 DEPUTY CLERK MONTOYA: I just want to make
19 sure.

20 CHAIR DORAN: That is a good assumption.

21 MADAME CLERK TOULOUSE: Are there any other
22 criteria that you can think of that you would be
23 interested in looking at --

24 CHAIR DORAN: Beyond what's on the Board
25 here?

1 MADAME CLERK TOULOUSE: Correct.

2 DEPUTY CLERK MONTOYA: The three fields I
3 have so far are the residential address, the House
4 District and precinct; is that correct?

5 CHAIR DORAN: Pretty much that. And I'm
6 thinking maybe senate district as well. That would
7 be -- that might be helpful. If it's not, we've still
8 got it. If it would be helpful and we didn't have it,
9 different story.

10 DEPUTY CLERK MONTOYA: Okay.

11 CHAIR DORAN: You know, if you're pulling
12 the house district anyway, the senate should be no --

13 ALTERNATE MEMBER PERSONS: Can I ask a
14 question about those districts?

15 CHAIR DORAN: The list, as Roman said,
16 hasn't changed since 2009, but we've gone through some
17 redistricting. That will be reflected in the
18 redistricting from them --

19 DEPUTY CLERK MONTOYA: Yes. Everybody is
20 in a new district. Whatever district they fall in now
21 would be different from the 2009, if they've changed.
22 Not everybody changed. But for those who have, it will
23 be reflected on the curve data.

24 MADAME CLERK TOULOUSE: And Mr. Chairman,
25 Leah, just to clarify, when we were talking about the

1 list from 2009, it's just the criteria fields that we
2 used to generate the report back then. Those people
3 were removed in '09.

4 CHAIR DORAN: Anything else?

5 MEMBER CARNES: Actually, I have one other
6 thing. Assuming we were going to make decisions today,
7 I took the liberty of typing up last night, late,
8 something that I called a motion with findings. It's at
9 best verbose and repetitive on a lot of what we've done.
10 I can send this.

11 It basically gets down to what the County
12 Clerk needs. And that's a directive that yes, all of
13 these people are to be purged. I just assume that that
14 would be the result. I don't know that that's true. I
15 can hand this to the Board members while I give one to
16 Roman. And then I will send one to him electronically,
17 also.

18 You know, I don't have any authorship in
19 this. The last paragraph is the important one that
20 says, "Here's the directive to the County Clerk to
21 remove everybody on the voter files."

22 MADAME CLERK TOULOUSE: And Mr. Chairman,
23 Sam, should for whatever reason you all determine that
24 somebody should not be removed, that could be included
25 among the findings.

1 MEMBER CARNES: Yeah.

2 MADAME CLERK TOULOUSE: But I agree with
3 you that I feel fairly confident that we shouldn't be
4 looking at any exceptions. But that's exactly why you
5 all are going to take the data home and spend time with
6 it and have a comfort level before we move forward, and
7 that's just fine.

8 MEMBER CARNES: Okay.

9 CHAIR DORAN: But then the ultimate outcome
10 of that would be somebody would make a motion to
11 actually do the purge, and that would be your direction.

12 MADAME CLERK TOULOUSE: Mr. Chairman,
13 that's correct.

14 CHAIR DORAN: That sounds pretty simple.
15 That's like one sentence, at best.

16 MEMBER CARNES: Well, mine was a little
17 self-serving for us as the Board and for the County
18 Clerk and the Secretary of State and everybody else
19 saying everybody's done what they're supposed to do.

20 Here's the process that we get, and here's
21 what we reviewed. And yes, based on all of that, I move
22 we purge everybody.

23 MADAME CLERK TOULOUSE: We will
24 certainly --

25 MEMBER CARNES: End of statement. Like I

1 said, I have pride of authorship, I guess. There wasn't
2 much on TV late last night.

3 MADAME CLERK TOULOUSE: Thank you, Sam.

4 DEPUTY CLERK MONTOYA: So just for
5 clarification before we adjourn, if that's what the
6 pleasure of the Board is, we will be providing everybody
7 a new list today that has the fields that we have that
8 you see on the screen, the residential address, the
9 house district, the senate district, the precinct. We
10 will also be emailing that to you this afternoon or as
11 soon as we generate it through our THRU, which is a
12 secure Website. That will have an expiration date of
13 Friday.

14 So when we do send it to you, I'll make a
15 note of that in the email, that you have to download it
16 by a certain day. And then at that point, we will
17 reconvene. We sent the notifications out to do the next
18 meeting on this Friday at 10:00 a.m.

19 CHAIR DORAN: Excellent.

20 MEMBER BARNABY: One exception there. I'm
21 not sure my computer or I am capable of uploading
22 something like that. I just as soon come down here and
23 get one of those discs there, or whatever you have.

24 DEPUTY CLERK MONTOYA: We can do that. The
25 THRU site does have a little bit of flexibility because

1 it does compress it a little bit for you.

2 So if your computer is not able to handle
3 it, let me know, and I can always get it and put it on a
4 disc for you, or I can give it you on a junk drive.

5 MEMBER BARNABY: Not a junk drive. Just
6 call me, and I'll come down and pick it up.

7 DEPUTY CLERK MONTOYA: Sure. That sounds
8 great.

9 MEMBER CARNES: Motion to adjourn?

10 CHAIR DORAN: I have a motion to adjourn.
11 All of those in favor, signify by, "Let's go play."

12 ALL MEMBERS: Aye.

13 CHAIR DORAN: So ordered.

14 [Meeting adjourned at 10:31 a.m.]

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1 STATE OF NEW MEXICO.
2 COUNTY OF BERNALILLO

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I FURTHER CERTIFY that I am neither employed by nor related to any of the parties or attorneys in this case and that I have no interest in the final disposition of this case.



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