



October 21, 2008

Via facsimile and U.S. mail

The Honorable Gary K. King
New Mexico Attorney General
P.O. Box 40
Santa Fe, New Mexico 87035

Re: Request for investigation into release of confidential voter information

Dear Attorney General King:

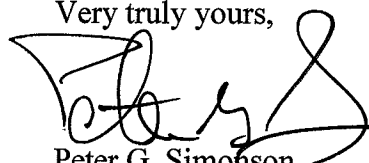
We write to request an investigation into the apparent release of confidential voter information by the Bernalillo County Clerk's Office and alleged use and conveyance of that information by representatives of the New Mexico Republican Party.

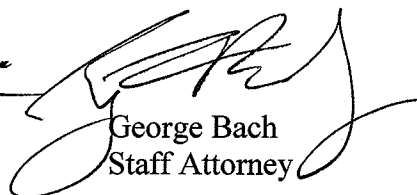
As evidence by the enclosed article from the *Albuquerque Journal*, representatives from the New Mexico Republican Party somehow came to possess confidential voter information. According to New Mexico state law, that information "shall not" be released by a County Clerk and may not be "conveyed or used by anyone other than the person registering to vote, either before or after it is filed with the county clerk, and by elections administrators in their official capacity." NMSA 1978, § 1-4-5 (E) and § 1-4-50. To engage in such conduct is a fourth degree felony. NMSA 1978, § 1-4-5 (F).

The privacy of voters' confidential information, such as their social security numbers and date of birth, is of paramount importance to the American Civil Liberties Union of New Mexico. If an unauthorized and illegal disclosure occurred, then it should be investigated immediately to ensure that such disclosures are not ongoing. As the State's top law enforcement officer, we request that you conduct an immediate investigation into the release of voters' information in violation of New Mexico state law. To the extent that your investigation uncovers that any federal laws have also been violated, we ask that your office refer the matter to the proper federal authorities.

Thank you in advance for your attention to this matter.

Very truly yours,


Peter G. Simonson
Executive Director


George Bach
Staff Attorney

Encs.

cc: Albert J. Lama, Deputy Attorney General
Kari E. Brandenburg, Second Judicial District Attorney

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Friday, October 17, 2008

N.M. Republicans Take Aim at ACORN

By **Jeff Jones***Journal Politics Writer*

New Mexico Republicans on Thursday said they have found evidence of voting fraud here as they continued their war of words with ACORN, an advocacy group that has come under fire in connection with its voter-registration drives across the country.

A local ACORN official challenged the Republicans' claims.

"It doesn't sound like it's truth. It sounds like it's supposition," Matthew Henderson, head organizer for the local ACORN told the Journal.

Government officials on Thursday stopped short of saying ACORN registration work is being investigated in New Mexico. However, Bernalillo County Clerk Maggie Toulouse Oliver said she has met with the FBI about an estimated 1,500 suspicious voter-registration cards turned in to her office by various registration groups, including ACORN, and has provided the FBI with copies.

"We did provide them with information, and they did request some additional information," Toulouse Oliver said of the FBI.

State Attorney General's Office spokesman Phil Sisneros said Thursday his office is also reviewing some of the suspicious cards and is cooperating with the FBI.

ACORN, the Association of Community Organizations for Reform Now, said it has gathered 80,000 new registrations in New Mexico this year.

The group has said that as many as 3,000 of its New Mexico registrations are problematic for various reasons, adding that it flagged those registrations when turning them in to county clerks. But critics are questioning whether far more of the ACORN registrations could be suspect.

State Rep. Justine Fox-Young, R-Albuquerque, said at a news conference Thursday that the Republican Party searched public records for 92 newly registered Albuquerque voters who cast ballots in the June primary election. She

said there were “highly suspect” voter registrations on file for 28 of those voters, with many of them listing Social Security numbers used by other people.

“We really have a bombshell,” Fox-Young said. She said the majority of the questionable registrations were handled by ACORN.

Toulouse Oliver said the 1,500 suspicious voter registration cards will not be entered into the voter database prior to the Nov. 4 election.

She said that anyone who shows up at a polling place and says their information may be somewhere in that stack of suspicious cards will be given a provisional ballot.

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