

SECOND JUDICIAL DISTRICT COURT
COUNTY OF BERNALILLO
STATE OF NEW MEXICO

No. **CV 2008 08053**

DANIEL P. SILVA,

Contestant,

v.

ELEANOR CHAVEZ, Contestee, Center for Civic Policy, Inc., Eli IL Yong Lee, director individually; Conservation Voters New Mexico, Inc., Javier Benavidez, director and individually, Ned Farquhar, President and individually; Southwest Organizing Project, Albert Ozawa Bineshi, President, director and individually; New Energy Economy, Inc., John Fogarty, President, Keegan King, director and individually, Defendants.

and

JAMES TAYLOR,

Contestant,

v.

ERIC GRIEGO, Contestee, Center for Civic Policy, Inc., Eli IL Yong Lee, director individually; Conservation Voters New Mexico, Inc., Javier Benavidez, director and individually, Ned Farquhar, President and individually; Southwest Organizing Project, Albert Ozawa Bineshi, President, director and individually; New Energy Economy, Inc., John Fogarty, President, Keegan King, director and individually, Defendants.

and

SHANNON ROBINSON,

Contestant,

v.

TIMOTHY M. KELLER, Contestee, Center for Civic Policy, Inc., Eli IL Yong Lee, director individually; Conservation Voters New Mexico, Inc., Javier Benavidez, director and individually, Ned Farquhar, President and individually; Southwest Organizing Project, Albert Ozawa Bineshi, President, director and individually; New Energy Economy, Inc., John Fogarty, President, Keegan King, director and individually, Defendants.

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KENDRA GOERS

ELECTION CONTESTS

Shannon Robinson, Attorney at Law and appearing Pro Se. Daniel P. Silva appearing personally Pro Se on his own behalf and James Taylor appearing personally Pro Se on his own behalf state their claim as follows:

JURISDICTION

1. This matter relates to three election contests based on N.M.S.A. 1-14-3, 1978 all three actions concern New Mexico legislative elections. An Election Contest is properly filed in District Court in the County where the election was held.
2. All contestants challenge election results of June 3, 2008. The results of the election were certified on July 10, 2008 and the Contestants have 30 days from July 10, 2008 to contest the election.
3. The Contestants allege their opponents acted with individuals and non profit 501 (c)(3) and (c) (4) organizations to evade the New Mexico Campaign Finance Act.
4. The Defendants distributed money held by the League of Young Voters New Mexico and the Center for Civic Policy, Inc. to six other organizations. The organizations and individuals are named as defendants or participants in this Complaint. The transfer of money to the Defendant organizations was for the purpose of secretly paying the individual Defendant non-profits to finance partisan attacks on Contestants.
5. This scheme was part of a coordinated campaign by the Defendant organizations and Contestees and constituted a scheme to defraud voters in the

three districts. It was agreed between the Defendants and Contestees that the campaign contributions would not be reported by the Contestees and literature published would carry a false disclaimer. Expenditures made by the non-profit Defendants to aid Contestees would not be reported to the public or the Secretary of State in order to conceal the Defendant non-profits' campaign intervention. The source of revenue for the campaign contributions received by Defendant non-profits was not divulged by the Contestees in their Campaign Finance Reports in order to preserve the tax deductible status of the campaign contributions and conceal the source of the money.

6. Approximately \$180,000.00 or more was transferred to the non-profit defendants to pay them for expenditures to be made in the June 2008 Democratic primary election. The transfer of money was not reported as campaign expenditures on the Contestees' campaign reports. The Contestees Chavez, Griego, and Keller approved the literature before it was published and distributed by mail. The Contestees were further required by agreement to disavow responsibility for the mailings of literature on their behalf.
7. The actions taken by Contestees and Defendants to evade the Campaign Finance Act were knowing and intentional when made.
8. Eleanor Chavez, Eric Griego and Timothy Keller each filed false campaign reports omitting responsibility for approximately \$60,000 spent by the non-profit Defendants in each of their respective elections.
9. The wrongful actions of Contestees and Defendants were illegal and against the laws of New Mexico NMSA 1-19-16 and 1-19-25 through 1-19-36 and the

laws of the United States Government, Internal Revenue Code Sections 170(c)(2), 2055(a)(2), and 2052(a)(2), I.R.C. Section 4942 as well as the Disclosure and Notice Requirements under I.R.C. 6033(e) and 26 U.S.C.A. Section 7201 and 7203.

10. The Contestants allege the conduct by Contestees and Defendants constituted a scheme to defraud the voters in the three legislative districts and made a substantial difference in the three elections contested and would have changed the results had the fraud not occurred. Contestants would have won the elections had the wrongful and illegal acts by Contestees not transpired.
11. The fraud committed was so pervasive as to permeate the elections requiring this Court to void the June 3, 2008 election returns for each of the three elections contested.

**INDIVIDUALS AND ORGANIZATIONS
COMMON TO ALL CLAIMS**

12. The campaign manager for Defendants Timothy Keller, Eleanor Chavez and Eric Griego is Neri Holguin, a former employee of Soltari, Inc. and a former employee of Eli IL Yong Lee. She resides in Bernalillo County. She is the Treasurer of Conservation Voters Alliance of New Mexico.
13. The Executive Director of New Mexico Youth Organized is purportedly Keegan King, a former employee of Soltari, Inc. and Eli IL Yong Lee. New Mexico Youth Organized is a phony non-profit involved in a secret campaign for Contestees. Keegan King is also the Executive Director of the "League of Young Voters, New Mexico". He is an employee of 1 SKY New Mexico. He is the executive director of New Energy Economy, Inc.

14. Javier Benavidez is the Executive Director of Conservation Voters Alliance, Inc. and an employee of 1Sky New Mexico.
15. Robbie Romero is the executive director of Southwest Organizing Project, (SWOP) Inc., a 501 (c)(3) organization. Albert Ozawa Bineshi is President of Southwest Organizing Project. He is sued in his official capacity as President of SWOP.
16. 1 Sky New Mexico is not a non-profit filed in New Mexico. 1 Sky New Mexico is a fake non-profit and its director is John Fogarty.
17. The Association of Community Organizations for Reform Now (ACORN) is a national organization and is not incorporated in New Mexico, but is operating as a non-profit and holds itself out to be a non-profit publicly.

FACTS COMMON TO THE THREE CONTESTS

18. One campaign manager Neri Holguin worked for all three candidates, Eleanor Chavez, Eric Griego and Timothy Keller. She transferred monies to the Defendant non-profits and individuals to be used for printing and distribution of literature and door to door canvassing to aide the candidates she was promoting and to divert the money to a third party non-profit and thereby hide the expenditure.
19. The campaign manager Neri Holguin and each individual candidate Eleanor Chavez, Eric Griego and Timothy Keller coordinated all three of their campaigns with the non-profit organizations and directed the non-profits' efforts. The non-profits and individuals named here as Defendants planned this scheme to defraud the voters of Legislative District 13, Senate District 14.

And Senate District 17 to create the appearance of impartiality of Defendants and to avoid the New Mexico Campaign Reporting Act and evade paying taxes to the United States Government.

20. One Hundred and Eighty Thousand Dollars at a minimum was transferred from the League of Young Voters, New Mexico and the Center for Civic Policy, Inc. to other non-profits to be spent in support of the campaigns to elect Contestees Chavez, Griego and Keller. Martin Heinrich served on the advisory board to the League of Young Voters, New Mexico at the time the money was transferred to the non-profit Defendants.
21. The following non-profit organizations received financing to work in the Chavez, Griego and Keller campaigns: New Mexico Youth Organized, The Center for Civic Policy, Inc., Conservation Voters Alliance, Inc., Voices for Children, Inc., ACORN, Southwest Organizing Project, Inc., 1 SKY New Mexico, New Energy Economy, Inc. and the Sierra Club.
22. The amount of money transferred to the non-profits identified above was in excess of \$180,000.00 to \$250,000.00 which was spent in this Democratic primary election.
23. The role of the non-profit organizations previously identified in this scheme was to print and distribute campaign literature without a legal or truthful disclaimer attacking the three Contestants of this action. The literature made accusations of corruption and ethics violations which were knowingly false statements when made in a reckless disregard for the truth by all three Contestees and all Defendants named in this action.

24. The literature was designed and coordinated and made available to the non-profits by Neri Holguin, Keegan King and Eli IL Yong Lee. The literature sent by the non-profits identified previously was all identical or substantially similar to literature sent in each individual campaign and constituted a coordinated campaign by Chavez, Griego and Keller and the non-profit Defendants against the Contestants Silva, Taylor and Robinson.
25. The literature was false, obscene and designed to create hatred and animosity by the voting public against the Contestants Silva, Taylor and Robinson.
26. New Mexico Youth Organized received approximately \$95,000.00 to work in the campaigns for Eleanor Chavez against Dan Silva and Timothy Keller against Shannon Robinson and Eric Griego against James Taylor. This public money was spent to advocate for Eric Griego, Eleanor Chavez and Timothy Keller but never reported to the Secretary of State by the candidates as required by law and constituted a campaign intervention.
27. New Mexico Youth Organized affiliated with the Center for Civic Policy, Inc. operated a store front office sent out literature and did door to door canvassing, polling, operated phone banks and organized get out the vote campaigning and spent public money for Griego versus Contestant Taylor for the Chavez campaign against Contestant Silva and the Keller campaign against Contestant Robinson.
28. Southwest Organizing Project, Inc. sent out literature, did door to door canvassing, polling, operated phone banks and get out the vote for the campaign of Eric Griego vs. James Taylor and the campaign of Eleanor

Chavez vs. Daniel P. Silva and Timothy Keller vs. Shannon Robinson. The Southwest Organizing Project spent in excess of \$80,000.00 in the election that constituted public money and was never reported by Contestees. Director Robbie Romero and President Albert Ozawa Bineshi knew of the scheme to divert public money to the three Contestees' election campaigns and facilitated the transfer and spending of the monies for the Contestees.

29. ACORN received in excess of \$80,000.00 and did door to door canvassing and phone banks and public demonstrations against all three Contestants. ACORN used proprietary information created by their LIHEAP community outreach contracts and spent public money for the campaigns of Contestees.
30. Voices for Children, Inc. ran a phone bank against the Contestants.
31. Conservation Voters Alliance, Inc. sent out literature, did door to door canvassing, polling, operated phone banks, and get out the vote for the campaign of Eric Griego versus James Taylor and the campaign of Eleanor Chavez versus Dan Silva and Timothy Keller versus Shannon Robinson. The Conservation Voters Alliance, Inc. spent in excess of \$60,000.00 in the Democratic primary election that was never reported by Contestees. Director Benavidez supervised the receipt and spending of the public monies for the campaigns of Contestees. Both Director Benavidez and President Farquhar were cognizant of the scheme to defraud voters and participated knowingly and willingly to accomplish the fraudulent scheme.
32. The Center for Civic Policy, Inc. received approximately 1.5 million dollars from George Soros and other non-profit foundations and individuals as tax

deductible contributions for the Center for Civic Policy, Inc. to expend in this Primary and General Election for Contestees Chavez, Griego, and Keller and others. Eli IL Yong Lee is the principal agent who handled the distribution of public money to the non-profits, and is a director of the Center for Civic Policy, Inc. and clearly New Mexico, Inc. and participated in the scheme to defraud voters knowingly and willingly.

33. All the non-profits listed above continued to receive public money and divert the public money to the benefit of the campaigns of Eleanor Chavez vs. Dan Silva and Eric Griego vs. James Taylor and Timothy Keller vs. Shannon Robinson.
34. The literature used by the non-profits is attached to this Complaint.
35. Literature sent by New Mexico Youth Organized against Daniel P. Silva is attached as Exhibit "A" to this Election Contest Complaint.
36. Literature sent by Southwest Organizing Project against James Taylor is attached as Exhibit "B" to this Election Contest Complaint.
37. Literature sent by New Mexico Youth Organized against Shannon Robinson is attached as Exhibit "C" to the Election Contest Complaint
38. Literature sent by the non-profits identified above was previously approved prior to distribution by all three candidates, Eleanor Chavez, Eric Griego and Timothy Keller.
39. The pattern of conduct by Eleanor Chavez, Eric Griego and Timothy Keller was intentional and designed to defraud voters in House Legislative District 13, State Senate District 14, and State Senate District 17.

40. The purpose for using non-profits as a conduit for financing the campaigns of Eleanor Chavez, Eric Griego and Timothy Keller was to subvert the campaign finance laws of the State of New Mexico, NMSA 1-19-25 to 1-19-36 and create a scheme to defraud the voters of House Legislative District 13, Senate District 14 and Senate District 17. The literature constituted a campaign intervention, carried a false disclaimer and was designed to deceive the voting public.

41. The purpose for using the non-profit Defendants to distribute the false, obscene and hateful literature against Contestants was to create the appearance of impartiality of the content and to allow Eleanor Chavez, Eric Griego and Timothy Keller the opportunity to disavow responsibility for the hate mail used to benefit their election campaigns.

42. The non-profit Defendants were able to raise money from the general public and offer tax deductions in return for campaign contributions and then divert that public money to the benefit of the campaigns of Eleanor Chavez vs. Dan Silva, Eric Griego vs. James Tayler and Timothy Keller vs. Shannon Robinson. The non-profits used the money to attack the Contestants, each of them and to aid the campaigns of Eleanor Chavez, Eric Griego and Timothy Keller. These actions by Defendants were known by the Contestees who agreed to participate in the scheme to defraud voters and constituted an intervention into the three campaigns unlawfully by the Defendants against state and federal law.

43. The non-profit Defendants and their Directors and Presidents used non-taxable transaction certificates to avoid paying gross receipts tax on their expenditures.
44. The pattern of conduct described above created secret campaigns for the benefit of Eleanor Chavez, Eric Griego and Timothy Keller. The candidates did not disclose the contributions and expenditures of the non-profit Defendants on their campaign finance reports in violation of New Mexico Code of Ethics and N.M.S.A. 1-19-25 through 1-19-36, 1978.
45. The fake non-profit New Mexico Youth Organized rented space for a campaign headquarters, hired and employed workers all to the benefit of Eleanor Chavez, Eric Griego and Tim Keller.
46. Contestants allege that non-citizens were knowingly and recklessly registered by the non-profit Defendants and their agents and Contestees and then encouraged those same non-citizens to participate in the election and to vote for Contestees.

COUNT I

DANIEL P. SILVA CONTESTS THE ELECTION OF ELEANOR CHAVEZ TO NEW MEXICO HOUSE OF REPRESENTATIVES

47. Daniel P. Silva realleges paragraphs 1 through 46 as if specifically alleged as part of Count I.
48. Daniel Silva contests the election of Eleanor Chavez to New Mexico House District 13 in the Democratic primary held on June 3, 2008.
49. Contestant Silva alleges that Contestee Chavez and Defendant non-profits created a scheme to defraud the voters of House Legislative District 13. The

COUNT III

SHANNON ROBINSON CONTESTS THE ELECTION OF TIMOTHY KELLER TO THE NEW MEXICO STATE SENATE

55. Shannon Robinson realleges paragraphs 1 through 46 as if specifically alleged as part of Count III.


56. Shannon Robinson contests the election of Timothy Keller to New Mexico State Senate District 17 in the Democratic primary held on June 3, 2008.

57. Contestant Robinson alleges the Contestee Keller and Defendant non-profits created a scheme to defraud the voters of New Mexico State Senate District 17. The fraud was so pervasive as to permeate the election such that the results were artificially and fraudulently manipulated and therefore the election result cannot stand. But for the fraud committed by Contestee Keller and Defendants, Contestant Robinson would have won the election.

58. Contestant Robinson requests this Court to void the election result in New Mexico State Senate District 17 and declare the Contestant to be the winner of the Democratic primary election of June 3, 2008.

WHEREFORE, Daniel P. Silva prays this Court void the June 3, 2008 Election of Eleanor Chavez to the New Mexico House of Representatives.

Respectfully submitted,


DANIEL P. SILVA

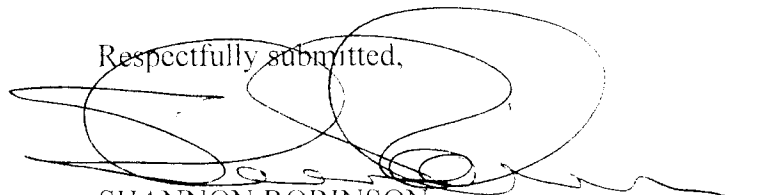
WHEREFORE, James Taylor prays this Court void the June 3, 2008 Election of Eric Griego to the New Mexico State Senate.

Respectfully submitted,


JAMES TAYLOR

WHEREFORE, Shannon Robinson prays this Court void the June 3, 2008 Election of Tim Keller to the New Mexico State Senate.

Respectfully submitted,


SHANNON ROBINSON

Contestants:

DANIEL P. SILVA
1323 Canyon Trail SW
Albuquerque, NM 87121

JAMES TAYLOR
3909 Camino Del Valle SW
Albuquerque, NM 87105

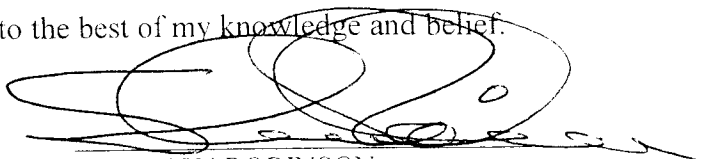
SHANNON ROBINSON
6743 Academy N.E., Suite A
Albuquerque, New Mexico 87109
(505) 998-6600
(505) 998-6603 facsimile

VERIFICATION

STATE OF NEW MEXICO)

COUNTY OF BERNALILLO)

COMES NOW Shannon Robinson and hereby swears under oath to the truth of the allegations in this Election Contest to the best of my knowledge and belief.


SHANNON ROBINSON

SUBSCRIBED AND SWORN to before me this 1 day of August, 2008.


NOTARY PUBLIC

My Commission Expires:

1/13/2010

VERIFICATION

STATE OF NEW MEXICO)

COUNTY OF BERNALILLO)

COMES NOW James Taylor and hereby swears under oath to the truth of the allegations in this Election Contest to the best of my knowledge and belief.



JAMES TAYLOR

SUBSCRIBED AND SWORN to before me this 1 day of August, 2008.



NOTARY PUBLIC

My Commission Expires:

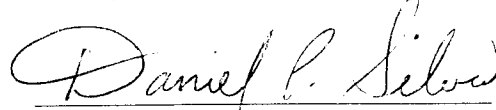
1/13/2010

VERIFICATION

STATE OF NEW MEXICO)

COUNTY OF BERNALILLO)

COMES NOW Daniel P. Silva and hereby swears under oath to the truth of the allegations in this Election Contest to the best of my knowledge and belief.



DANIEL P. SILVA

SUBSCRIBED AND SWORN to before me this 1 day of August, 2008.



NOTARY PUBLIC

My Commission Expires:

1/13/2010