

Dear Chairman Colón:

We write out of a serious concern over the procedure used for the unpledged add-on delegate position in last Saturday's State Central Committee meeting. Let us be clear: we have nothing against the announced winner. We simply believe that the rules were not followed, and a runoff election by mail must be held between the two highest vote getters - Ms. Laurie Weahkee and Ms. Heather Townsend, who are both talented and qualified Native American women.

Specifically, there were two serious flaws with the unpledged add-on nomination and election process held this past Saturday.

First, the full Executive Committee of the State Central Committee did not have the opportunity to weigh in on the unpledged add on nomination. The 2008 New Mexico Delegate Selection Plan, as finally approved by the Democratic National Committee's Rules and Bylaws Committee, provides that the State Party Chair does not alone hold authority for nominating at least two candidates for the unpledged add-on delegate position. In fact the Party's delegate selection plan, as approved by the DNC, states that the Party Chair must have engaged "in consultation with the Executive Committee on April 26, 2008," which is to say the day of Saturday's meeting.

As frequently happened in the past, an Executive Committee meeting should have been called Saturday morning before the full State Central Committee meeting began in order to discuss nominations for unpledged add-on delegate. Absent that, an Executive Committee meeting should have been called via teleconference last week. Although such a teleconference meeting of the Executive Committee would not have met the letter of the 2008 New Mexico Delegate Selection Plan, which clearly requires the Executive Meeting to be held on April 26, at least it would have met its spirit.

In addition to Democratic Party's decision not to consult the Executive Committee, we simply cannot understand the refusal to officially nominate Ms. Townsend despite requests from Executive Committee members. Moreover, we are troubled by the Democratic Party's declaration that votes cast for Ms. Townsend would not count. Surely, these factors must have adversely impacted the vote for Ms. Townsend.

Second, under the rules of the State Democratic Party, a second balloting between Ms. Weahkee and Ms. Townsend should have been held on Saturday because no candidate received a majority of the votes cast. Ms. Weahkee received 71 votes, or 35% of the total votes cast; Ms. Townsend received 66 votes, or 33% of the total votes cast (despite the State Party's refusal to recognize her as an official nominee and announcing that votes for her would not count); Ms. Little received 59 votes, or 29% of the total votes cast and others received 7 votes, or 3% of the total votes cast. (All three candidates are Native American women.)

O. RUSSELL JONES (1912-1978)

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JERRY WERTHEIM	JOHN V. WERTHEIM
JOHN WENTWORTH	LEF R. HUNT
JERRY TODD WERTHEIM	ROXIE P. DE SANTIAGO

ATTORNEYS AT LAW

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As you know, Rule 18-1 of the Rules of the Democratic Party of New Mexico provides:

Majority Vote. Unless otherwise provided in these rules, all issues and elections shall be decided by majority vote. If runoffs are required in an election, they shall be among those candidates with the greatest number of votes, the sum of which is the smallest majority of all the votes cast.

Clearly, Ms. Weahkee's and Ms. Townsend's combined vote total qualify them under Rule 18-1. It is neither democratic nor Democratic to fail to hold the required runoff. A runoff by mail, however, with all those members of the committee who registered in person on Saturday eligible to vote, would easily cure the defect in a timely and efficient manner.

With the procedure for selecting the unpledged add-on delegate having gone so awry, it seems best to solve the problem within the Democratic Party of New Mexico family. We know you had, Mr. Chairman, the best interests of the party in mind on Saturday, but errors happen despite the good intentions of those making them. It would be a shame to have to pursue other means for resolving this matter, when a fair and equitable solution presents itself in the form a runoff by mail.

We hope that you give our recommendation serious consideration and give us the kindness of a reply before you certify anyone's name for unpledged add-on delegate to the Democratic National Committee. Please feel free to contact anyone of us signing below, to discuss details of our proposal.

Best regards,

John V. Wertheim
Authorized Representative in New Mexico
Member, Democratic National Committee Credentials Committee

Moises Griego
NM Executive Committee Member
Valencia County Chairman

Mary Gail Gwaltney
NM Executive Committee Member
Democratic National Committee Member

Teresa Holland
NM Executive Committee Member

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NM Executive Committee Member

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Democratic National Committee Member