

Honorable Dianna J. Duran
Secretary of State
New Mexico State Capitol
325 Don Gaspar, Suite 300
Santa Fe, NM 87501

Honorable Gary K. King
408 Galisteo Street
Villagra Building
Santa Fe, NM 87501

June 3, 2012

Dear Secretary of State Duran and Attorney General King:

I would like to formally request an immediate investigation into the actions of Governor Susana Martinez, her campaign consultant Jay McCleskey, Susana PAC, the Reform New Mexico Now political committee and any other entities involved, for violations of §1-19-26.1 (B) and §1-19.29 (B) of the New Mexico Election Code.

On May 29, 2012, Reform New Mexico Now (RNMN), a New Mexico political committee, was formed by an entity whose place of business is 6100 Uptown Blvd NE, Suite 590, Albuquerque, NM 87110 (Exhibit A). This address is the same as Mr. McCleskey's consultancy and Susana PAC (Exhibit B).

In RNMN's political committee contribution report to the Secretary of State, filed for the May 31, 2012 deadline, it lists contributions from the Chase Oil Corporation (\$130,000), the Mack Energy Corporation (\$50,000) and others, as received on April 24, 2012 (Exhibit C).

§1-19-26.1 (B) of the New Mexico Election Code states that *"A political committee shall register with the secretary of state within ten days of receiving, contributing or expending in excess of five hundred dollars."*

Reform New Mexico Now, or its agents, Mr. McCleskey and Susana PAC, did not file as a political committee until May 29, 2012, thirty-four days after receiving these initial contributions.

§1-19-29 (B) states that *"In an election year, instead of the biannual reports provided for in Subsection A of this section, all reporting individuals, except for public officials who are not candidates in an election that year, shall file reports of all expenditures made and contributions received or, if applicable, statements of no activity, according to the following schedule...by 5:00 p.m. on the second Monday in May, a report of all expenditures made and contributions received on or before the first Monday in May and not previously reported."*

RNMN, or its agents, Mr. McCleskey and Susana PAC, failed to report these contributions for the May 14th campaign reporting period, as every other PAC and candidate was required to do.

§1-19-35 (A) states: *"Except for the report required to be filed and delivered the Thursday prior to the election and any supplemental report, as required in Paragraph (5) of Subsection B of Section 1-19-29 NMSA 1978, that is due prior to the election, and subject to the provisions of Section 1-19-34.4 NMSA 1978, if a statement of no activity or a report of expenditures and contributions contains false or incomplete information or is filed after any deadline imposed by the Campaign Reporting Act [1-19-25 to 1-19-36 NMSA 1978], the responsible reporting individual or political committee, in addition to any other penalties or remedies prescribed by the Election Code, shall be liable for and shall pay to the secretary of state fifty dollars (\$50.00) per day for each regular working day after the time required by the Campaign Reporting Act for the filing of statements of no activity or reports of expenditures and contributions until the complete or true statement or report is filed, up to a maximum of five thousand dollars (\$5,000).*



RNMN, or its agents, Mr. McCleskey and Susana PAC, filed the PAC's contributions after the deadline imposed by the Campaign Reporting Act and is therefore subject to the penalties outlined in this section, as well as any other applicable sections.

§1-19-36 states: *"Any person who knowingly and willfully violates any provision of the Campaign Reporting Act [1-19-25 to 1-19-36 NMSA 1978] is guilty of a misdemeanor and shall be punished by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for not more than one year or both."*

RNMN, or its agents, Mr. McCleskey and Susana PAC, filed an amended report on June 2, after the media had reported this story, changing the dates of the contributions to May 21 and 24 instead of April 24 (Exhibit D). Either through the original lack of filing of both the PAC's formation and its contributions, and/or through amending the June 2, 2012 report, RNMN may also be in violation of this section as well by knowingly and willfully violating sections of this Act.

I believe that serious violations of the Campaign Reporting Act have occurred and request an immediate, formal investigation. I look forward to your timely response to this request.

Sincerely,

A handwritten signature in black ink, appearing to read "David Coss", with a long horizontal line extending to the right.

David Coss
Candidate for New Mexico House District 46