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March 3, 2011

VIA FAX 505/827-8081 &
EMAIL christiana.sanchez@state.nm.us

Christiana Sanchez
Ethics Investigator
Office of the Secretary of State
State of New Mexico
325 Don Gaspar, Suite 300
Santa Fe, New Mexico 87503

RE: Groundless Complaint of Somos Un Pueblo Unido

Dear Ms. Sanchez:

As counsel to the Susana Martinez for Governor Committee, I respond to several letters of complaint from partisan special interest groups who are attempting to misuse the complaint process and silence the First Amendment rights of persons with whom they do not agree.

A review of the Secretary of State records discloses numerous examples of these same expenditures from members of the political party favored by the these special interest groups, including but not limited to the former Governor, the Democratic nominee for Governor in the last election, the Attorney General, the State Auditor and others.

The complaints are frivolous and must be dismissed promptly to discourage the further misuse of the complaint process for partisan political advantages.

In Section 1-19-29.1 A (1) (NMSA 1978), the very first exception provides for expenditures of campaigns. It is not possible, in good faith, to overlook this first exception and the many instances of these same expenditures from Democrats and Democrat candidates.

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The Susana Martinez for Governor Committee was used for her 2010 election campaign and currently serves as the committee for the Governor's considered re-election, as is the case with all similarly situated elected officials. Appropriately, your letter was addressed to the "Committee to Elect Susana Martinez" and its Campaign Manager.

The Committee recently incurred expenditures to produce and air radio spots to promote the Governor's issues and ideas. Promoting issues and ideas is the goal of any elected official and is necessarily a part of any campaign, re-election or otherwise, and radio spots urging the public to support an elected official's issues and ideas are a standard campaign activity.

The expenditures made are clearly lawful campaign expenditures under New Mexico law, and the complaints filed by partisan special interest groups claiming otherwise are frivolous. Due to the nature of the groundless complaints and the misuse of the complaint process, we are requesting a prompt and public rejection of the complaints.

You may direct further inquiries to my office. Thank you.

Sincerely,

SCOTT & KIENZLE, P.A.

By:



Paul M. Kienzle III

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