

February 26, 2010

Hon. Mary Herrera
New Mexico Secretary of State
325 Don Gaspar
Santa Fe, New Mexico 87501

Re: Resignation

Secretary Herrera:

I begin this letter by expressing my sincere gratitude to you for the privilege of allowing me to serve the people of the State of New Mexico as your Bureau of Elections Director from April 20, 2009 to this date. I sincerely enjoy being a public servant, as I have been for the past 16 years. However, it is precisely the fact that I am a public servant that I can no longer continue to serve in your administration and ask that you accept my resignation effective immediately.

During my tenure in your office it has become abundantly clear to me as to why my predecessors have left the office.

During this tenure, although I have the title of "Director," your Deputy Secretary advises my Bureau of Elections Administrator that she does not report to me. In fact, there are different organizational charts which he has created which seem to be contradictory and confuse the chain of command within the office. I cannot be an effective Director when my decisions are constantly undermined. The Bureau itself cannot be effective when we have such cronyism, insubordination and undermining behavior taking place by its employees, to include management. I have called this to your attention both via email and at our management meeting in January. I have submitted numerous requests via email and telephone for a personal meeting with you to discuss these and other issues. My efforts to meet with you face to face have, at best, been ignored. To date, there have been no changes.

There are many reasons why I must resign. Those listed below are illustrative of my reasons but are not exhaustive. I hope that you take these issues into consideration when considering the future course of this office:

1. During the course of the last two weeks, I have repeated advised you to not violate the New Mexico Governmental Conduct Act. In order to support the

upcoming Elections Seminar, you have insisted that we obtain "sponsorships" or donations through targeted communications with firms or businesses with whom we currently contract. As the Bureau of Elections Director, I sought advice from our office counsel at the Attorney General's office regarding the legalities of this action. This is well documented via email. Rather than acknowledge that my actions potentially kept our office from engaging in illegal behavior, you accused me of "going over your head" by contacting our counsel and stated that I was not involved in this decision. You stated that sponsorships are not donations and I should focus on other tasks.

[REDACTED]


3. Your administration engages in political activity in the office, during work hours. This is completely inappropriate coming from any elected official--especially from the Chief Elections Officer of the State. I have repeatedly voiced my objections to these actions. For example, when your campaign manager appeared to be doing campaign business from your office on filing day, I asked that he step outside the office and remain with other filers in the halls of our building. Further, I remind you that all Governor's Exempt ("GOVEX") employees were called into your office in October, 2009 during work hours and were ordered to get 1,000 petition signatures each for your reelection campaign. We even discussed this at our management meeting in January. Clearly, this is a violation of election laws and presents a serious appearance of impropriety.
4. Further, I am concerned about the issues surrounding the chain of custody of our voting machines. Many of these machines, set to be used in the upcoming elections, are being stored without contract and without a valid chain of custody which would ensure the absence of tampering. This situation was called into question by our appointed attorney at the Attorney General's office, yet her

advice was flatly ignored. She suggested review of the MOU with the organizations involved in the transferring of these machines, yet it is unknown whether her advice to account for the machines using a standard chain of custody form was ever implemented. These actions by the Deputy Secretary of State could very well have a negative effect on the upcoming elections due to the lack of security and potential for abuse. Once again, when I attempted to resolve this situation by calling it to your attention, nothing was remedied and your response that "we own the machines" did not address these identified serious concerns.

5. There are several additional ethical issues involving election "investigations," lack of transparency in SoS programs like the Confidential Address Program (whose legislation we were forced to pull this year as it provided provisions for transparency), and favoritism within the office that are also of great concern to me. I have repeatedly attempted to bring these issues to your attention and have an abundance of email traffic on point. As previously stated, I attempted, without success, to discuss these issues with you during a personal meeting. My numerous requests to meet with you regarding my concerns were rebuked and ignored. Most recently, my email to you last night requesting a one-on-one meeting was ignored. In fact, I believe that there is ample evidence to prove that I have been retaliated against by you and the Deputy Secretary for attempting to remedy the numerous ethical and legal issues within this office. I am unwilling to risk my professional reputation or my license to practice law by continuing to work in an office that engages in questionable, if not illegal practices.

I fully understand and accept that I am a GOVEX employee and have limited or arguably no statutory rights. I do however have constitutional rights under the State and Federal Constitutions and I have retained counsel to assist me in asserting these rights if it becomes necessary.

I have fully documented my work assignments within the office by notes, email communications and otherwise. You are aware that my work has been complimented by constituents as well as by elected officials. I ask that you admonish the Deputy Secretary and staff against making any disparaging remarks about me publicly or otherwise after my departure. I will extend the same courtesy to you and your staff.


Day be paid to me immediately. Additionally, I request that I be provided with the necessary paperwork for COBRA coverage for medical and dental insurance for my family.

I thank you for your attention to this matter and ask that you accept my resignation effective immediately.

Very respectfully,



AJ SALAZAR, Esq.