

Mark D'Antonio

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April 27, 2016

State of New Mexico
Secretary of State
325 Don Gaspar, Suite 300
Santa Fe, New Mexico 87501

Attention: Amy B. Bailey
General Counsel

Dear Ms. Bailey,

This is in response to your letter of April 13, 2016, postmarked April 14, 2016, and time stamped received by my office April 19, 2016, regarding a complaint filed by my opponent's campaign manager. I did not see the letter until April 20, 2016. Before I address the merits of the complaint, I respectfully request a detailed explanation as to why the letter was sent to my office addressed to me in my capacity as District Attorney instead of my official candidate address that is on file with the Secretary of State. This caused a significant delay in my receipt of the document. More importantly, having the mail delivered to my office allowed the content of the letter to be revealed to the staff in my office. It appears unlikely that the State would solely rely on information provided by the individual filing the complaint. If this were the case, it would allow the complaint writer the opportunity to attempt to discredit an opponent by sending false allegations to a public official's workplace in an attempt to embarrass the candidate or gain a political advantage.

This is especially true if the person filing the complaint has a significant connection to the public official's opponent, as in this case. In addition, it is well known by my opponent, a former employee of my office, and others that low level staff in the District Attorney's Office opens all mail directed to the office unless its marked confidential or private. The envelope received by my office was addressed to me in my capacity as "Third Judicial District Attorney." The letter appeared on its face to be official business of the Third Judicial District Attorney's Office. The question remains why would the State address a purely political letter to the District Attorney of Dona Ana County in his official capacity rather than to his correct address as a candidate? It is this kind of blurring the lines between candidates and public officials that may lead to a lack of public confidence in the election process. I look forward to your explanation and a remedy so that this type of confusion will not happen in the future.

As far as the allegation, the "flyer" in question, was not distributed by me or anyone associated with my campaign. I did not authorize anyone associated with my campaign to display the "flyer" or make it available to the public. When it appeared on Facebook, it had already earned widespread circulation.

Sincerely,



Mark D'Antonio