

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

AMERICAN ASSOCIATION OF PEOPLE)
WITH DISABILITIES, FEDERATION OF)
WOMEN’S CLUBS OVERSEAS, INC., NEW)
MEXICO PUBLIC INTEREST RESEARCH)
GROUP EDUCATIOJN FUND, and)
SOUTHWEST ORGANIZING PROJECT,)

No. CV-08-702 JOB/WDS

Plaintiffs,)

v.)

MARY HERRERA, in her capacity as)
Secretary of State,)

Defendant.)

SHANNON ROBINSON’S REPLY BRIEF
IN SUPPORT OF MOTION TO INTERVENE

Shannon Robinson files this Reply Brief and urges this Court grant his intervention or permissive intervention.

1. I am a Plaintiff in a state action, Silva et al. v. Chavez, et al., CV-2008-08053. Southwest Organizing Project, Inc. (“SWOP”) a Plaintiff herein, is also a Defendant in the state action. SWOP claims to be is a 501(C)(3) organization, but it appears that charitable (and deductible) funds may have been used (illegally) to fund the political attack ads against me and other legislators to influence the primary election.

2. I believe that SWOP and other parties similarly situated are violating state and federal law with regard to registration and disclosure of donors. I believe federal and state tax laws are being violated with regard to the use of charitable donations for political purposes.

3. SWOP and similarly aligned and related groups argue that compliance with the registration and disclosure laws in the New Mexico statutes would improperly and unfairly infringe upon their First Amendment rights. These same groups seriously distort the public contribution information of candidates they oppose in order to prepare political attack ads to improperly influence elections. They (mis)use the public contribution information to prepare these distorted and false claims, all in the name of “good open government” while refusing to register or timely disclose who is funding their dirty and false campaigns.

4. It is my intention, by my lawsuit and the intervention in this matter to provide the court and the voters and citizens of New Mexico with information about the practices of SWOP and others who employ similar tactics.

5. I believe the failure to register and disclose their contributions and the violation or potential violation of state and federal laws and the outrageous distortion of the records of the legislators they oppose is important and critical information for voters in the upcoming general election. It would be my intent, if funds allow, to inform voters of the activities of this organization and others who have so distorted the public debate.

6. If SWOP and other similarly situated Plaintiffs are allowed to ignore the 48-hour rule and continue registering voters and withholding that contact information from the Secretary of State, County Clerks or candidates, political parties, me or other individuals they will be provided yet another improper, illegal and very problematic advantage over honest candidates and person who are registering, filing and timely disclosing important information. If funds allow, it is my intent to attempt to contact some voters in districts in which SWOP and others are again mailing its political “non-

political” attack pieces so that the voters understand the true nature of these and similarly operating organizations, that refuse to register and disclose contributors. Persons innocently contributing to 501(C)(3) organizations for the advertised charitable purpose, may be greatly surprised to find out the ultimate (mis)use of their contributions and they may be concerned about the validity of claimed deductions.

7) My Motion to Intervene was not filed until August 18th because of the time spent on the state lawsuit, my time spent preparing for a special session and otherwise representing my State Senate district and the fact that the SWOP’s representative, Mr. Rodriguez’ exhibit (A) was only filed on August 11.

8) Mr. Rodriguez provides the details of some of SWOP’s activities (see paragraph 19). According to SWOP, SWOP is entering the registrant’s information into a central database and “the information in the database is also used for get-out-the vote efforts.”

9. Mr. Rodriguez also admits in paragraph 18 that SWOP tells these newly registered people that they will be contacted: “In addition, new registrants, were often told that they will be contacted and encouraged to vote, or added to SWOP’s database.”

10. To allow SWOP to ignore the 48-hour time limit to turn in any voter registrations whenever, is to encourage more of the illegal and political/non-political hatchet pieces that have been sent to new voters.

11. To strike down the 48-hour provision in the name of the First Amendment is as backwards as SWOP’s secret political attacks in the name of good and open government. The failure of SWOP to promptly provide the new registrations to the proper government official prevents me, candidates, parties or other interested persons

from the same access to these new voters. Plaintiffs' request would be an injury to the First Amendment.

12. During previous campaigns, I would regularly and sometimes daily, request and receive contact information for all newly registered voters so that these newly registered voters would receive my campaign literature. To allow SWOP and other groups to delay producing or hide these registrations while using them for their own improper purposes is standing the First Amendment on its head and violates the rights of the new voter, candidates, parties, campaigns and honest and open political committees who have registered and disclosed contributions.

12. If allowed to intervene, I will present evidence and argue in ways the Defendant has not chosen to do so. I am familiar with the registration activities of SWOP and others similarly situated. As a member of the Legislature that voted for the 2005 reform election package at issue and as an individual with personal knowledge and the motivation to present a full picture to the Court, my participation as an intervener would be helpful and I believe, necessary to protect my interests.

13. Plaintiffs' position and argument that the process is flawless, and the government can not make mistakes and that registration problems in the registration and voting process will not occur if the statutes are struck down, ignores today's reality. Exhibit 1, Albuquerque Journal article of August 21, 2008 "Voter ID Points an Odd Picture"

As a State Senator until the end of the present term (January 2009) and as a citizen with a personal and great interest in addressing the problems created by SWOP

and similarly situated organizations, I have a direct, personal and sincere interest in this lawsuit.

For these reasons, I am respectfully requesting Intervener status.

Respectfully submitted,
Shannon Robinson, Attorney at Law

By: _____

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