



Possible Election Violations by Pojoaque Valley Irrigation District

1. On December 2, 2014, the Pojoaque Valley Irrigation District (PVID) conducted an election to select the District 1 representative to the PVID Board of Directors. NNMProtects, a non-profit organization, learned from quite a few El Rancho residents/electors of many irregularities that occurred in conducting this election. The action taken by the current PVID Board Members of David Ortiz (President), Horacio Roybal (Treasurer/Secretary), and Flavio Gurule (Vice Chairman) to declare the winner of the last PVID election, has deprived all of PVID elector's rights to fair and equal representation. In addition to violating several provisions of the Open Meetings Act required by New Mexico Statute Annotated (NMSA) §§ 10-15-1, noted below are possible examples of how PVID violate the basic election laws of the State of New Mexico.
2. Notices of the election were not posted in three different locations according to NMSA §§ 73-9-10.
3. The one notice that was posted on the office of the PVID building in Pojoaque, did not have a Spanish translated version according to NMSA §§ 73-10-4.
4. Prior to the posting of the one notice, the PVID failed to appoint a board of election including a clerk from the electors according to NMSA §§ 73-9-10.
5. On the day of election, the PVID electors were denied the right to appoint the election board. According to NMSA §§ 73-9-10, "If the board fails to appoint a board of election, ... "the electors of the precinct present at the hour may appoint the board ..."
6. There is no proof that an oath was subscribed to by the election judges required by NMSA §§ 73-9-10.
7. The PVID Board failed to meet the first Monday following the election per NMSA §§ 73-9-19.
8. After the voting poll was closed at 6:00 PM, all of the precinct judges counted the votes and the clerk of the election board declared the candidate of District One the unofficial winner based on the highest number of votes per NMSA §§ 73-9-9 and 73-9-12. The day after the election poll was closed, the PVID President adjusted the vote tally and declared the District One incumbent winner of the election.
9. During the PVID meeting of December 12, 2014 to canvass and approve the election, the incumbent winner of the election was allow to second the motion to approve the election results designating him the winner.
10. During the meeting to canvass the election, PVID President repeatedly failed to provide any explanation to the many District One electors present at the meeting who wanted to know how the votes were counted and what authority he had to change the election results.
11. Prior to and subsequent to the election, the PVID President denied both verbal and written requests to view the bylaws, meeting minutes, water master rules/regulations, and financial records of PVID. (NMSA 73-9-15). Consequently, on December 8, 2014, NNMProtects submitted a request according to New Mexico Inspection of Public Records Act, NMSA 1978, §§ 14-2-1. ("IPRA"), to inspect copies of several PVID documents. Another request to view the aforementioned documents was made during the December 12, 2014 meeting and the PVID President denied the request.