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**LIBERTARIAN PARTY OF NEW MEXICO WINS TEMPORARY RESTRAINING ORDER
AGAINST NEW MEXICO SECRETARY OF STATE MAGGIE TOULOUSE OLIVER**

August 14, 2020 (ALBUQUERQUE, N.M.) – District Court Judge James O. Browning today granted the Libertarian Party of New Mexico a temporary restraining order (TRO) against New Mexico Secretary of State Maggie Toulouse Oliver based on the party’s claim that New Mexico Libertarians’ right to vote was substantially infringed by the state’s failure to count votes cast in the primary election and by failing to timely respond to a candidate’s request that the New Mexico State Canvassing Board conduct a vote recount.

On August 7, 2020, Libertarian candidate Stephen P. Curtis, running for Position 2 on the New Mexico Court of Appeals, filed an emergency motion for a TRO in district court after discovering a substantial number of the votes cast for him in the New Mexico primary had not been counted. This incorrect vote count could cause his name to be left off the general election ballot in November, thus depriving New Mexican voters of an additional candidate choice for the Court of Appeals.

“Secretary of State Oliver tried to deprive New Mexicans of additional choices for the Court of Appeals, plain and simple,” said LPNM Chair Chris Luchini. “She not only failed to account for votes cast for Stephen, but she then refused to respond to our requests for a recount, essentially trying to ‘run out the clock’ before we could get the recount required to potentially get Stephen’s name on the general election ballot.”

While the LPNM had requested a recount of all Position 2 votes statewide, Judge Browning granted the TRO on August 14, 2020, finding that only the vote counting in Bernalillo County reached a “level of fundamental unfairness” that merits a recount by the Canvassing Board.

According to the court filing, Oliver argued against a vote recount on the basis of its purported “astronomical cost.” Judge Browning countered that “...New Mexico’s interest in avoiding a drain on the public fisc [finances] is significant, but this interest should not prevent the Libertarian Plaintiffs from vindicating their constitutional rights and ensuring that every vote for Mr. Curtis is counted.”

Of course, the cost of a candidacy is not insignificant to the Libertarian Party, nor is the cost of filing a lawsuit.

“I imagine that is part of Maggie’s strategy,” Luchini said. “Draining our finances makes us less able to run candidates against the old party incumbents. It’s shameful ‘politics as usual’ in New Mexico.”

Judge Browning’s order directs Oliver to direct the Canvassing Board to account for “all ballots cast in the Libertarian Party primary election for Position 2 on the Court of Appeals in New Mexico,” a process that should begin soon and may result in Curtis securing a spot on the general election ballot.

The case continues August 21, 2020, when a preliminary injunction hearing will be held. The LPNM claims many votes in other counties also went uncounted and says they will subpoena County Clerks to testify about alleged vote counting irregularities throughout the state.

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