

COMPLAINT DESCRIPTION

Please use the following format for your description of each alleged violation: 1) Law(s) violated and relevant section(s) or provision(s) of the law; 2) Description of alleged violation; 3) Facts that substantiate the alleged violations including the date, place, and time of the Respondent's conduct; 4) Names and contact information of any witnesses; 5) What action(s) or relief you seek from the Commission; and 6) Description of supporting document(s) included with this complaint, if any.

#1

1) *Law(s) violated and relevant sections(s) or provision(s) of the law;*

1-19-26.1. Political committees; registration; disclosures; penalties.

(C). A statement of organization required by Subsection B of this section shall be made under oath on a prescribed form showing:

(3) the names and addresses of the officers of the committee;

Definition(s) 1-19-26

U. "political committee" means:

(3) an association that consists **of two or more persons** whose primary purpose is to make contributions to candidates, campaign committees or political committees or make coordinated expenditures or any combination thereof

2 & 3) Description of the alleged violation and Facts that substantiate the alleged violations including the date, place, and time of the Respondent's conduct;

Political Committee Registration Form, filed on 4/15/24 with the New Mexico Secretary of State as a new registration reports no officers for the committee. (See definition of committee 1-19-26 NMSA 1978 (U) (3) above.

Amended Political Committee Registration Form filed 5/29/2024 with the New Mexico Secretary of State as new registration reports no officers for the committee. (See definition of committee 1-19-26 NMSA 1978 (U) (3) above.

4) Names and contact information of any witnesses;

Patrick Monroe Brenner, Treasurer, PO Box 1746, Bernalillo, NM 87004; Ph 505-386-1139; email: pbrenner@advocatesforliberty.org .

Sharon Pino, Deputy Secretary of State and Chief of Staff, New Mexico Office of the Secretary of State, 325 Don Gaspar, Ste. 300, Santa Fe, NM 87501; 505-827-3636; email Sharon.pino@state.nm.us

5) *What action(s) or relief you seek from the Commission;*

1-19-26.1. Political committees; registration; disclosures; penalties.

A. It is unlawful for a political committee to continue to receive or make any contribution or expenditure for a political purpose if the committee fails to meet the requirements of Subsections B and C of this section. ...

E. If a political committee fails to update the statement of organization within the time prescribed in Subsection D of this section, the political committee is subject to a fine of five hundred dollars (\$500).

Complainant requests the committee update their registration to reflect all of the information required, specifically the officers of the committee, on the public facing portal in the SOS website.

Complainant requests the Ethics Commission provide all relief legally appropriate to include but not limited to that listed prior.

6) *Description of supporting document(s) included with this complaint, if any.*

A. Political Committee Registration Form, New Registration filed 4/15/2024

B. Political Committee Registration Form, Updated filed 5/29/2024

#2

1) *Law(s) violated and relevant sections(s) or provision(s) of the law;*

1-19-31. Contents of report.

A. the name and address of the person or entity to whom an expenditure was made or from whom a contribution was received, except as provided for anonymous contributions or contributions received from special events as provided in Section [1-19-34](#) NMSA 1978; provided that for contributors, the name of the entity or the first and last names of any individual shall be the full name of the entity or

individual, and initials only shall not constitute a full name unless that is the complete legal name;

B. the occupation, name and type of business, as applicable, of any individual or entity making contributions of two hundred dollars (\$200) or more in the aggregate per election;

C. the amount of the expenditure or contribution or value thereof;

D. the purpose of the expenditure;

E. the date that the expenditure was made or the contribution was received;

...

2 & 3) Description of the alleged violation and Facts that substantiate the alleged violations including the date, place, and time of the Respondent's conduct;

Failure to file expenditure for mass communication (text opposition ad for Frida Susana Vasques) on Thursday May 16, 9:01 am.

Failure to file expenditure for mass communication (text opposition ad for Frida Susana Vasquez) on Thursday May 23, at 10:40 am.

Failure to file expenditure for mass mailer received on May 23, 2024 (opposition ad for Frida Susana Vasquez)

Failure to file factual report on 5/29/24. Expenditure #2 May 23, 2024 Resolve Campaigns LLC, under purpose, listed as Information technology cost (internet, email). Actual purpose P2P texting, opposition ads for Frida Susana Vasquez. Complainant also questions if this is an omission of the P2P text on May 16, 2024 or did both mass texts actually cost \$341.73? (Page 7 of 9 on Third Primary report)

There are also reports alleging receipt of a second mass mailer within Senate dist. 9 (the ad featured in the may 23rd text) but I do not have an actual copy of the mailer.

Complainant has significant questions about the first expenditure on page 7 of 9. The date is 5/20/2024, Office of the Secretary of State, Candidate filing/ballot fees, Expenditure, \$50.00. Is this for a candidate, if so who? Purpose needs to be clarified/refined.

4) Names and contact information of any witnesses;

Patrick Monroe Brenner, Treasurer, PO Box 1746, Bernalillo, NM 87004; Ph 505-386-1139; email: pbrenner@advocatesforliberty.org .

Frida Susana Vasquez, candidate Sen.9, 2415 Southern Blvd SE, Rio Rancho, NM 87124; Ph:505-414-6899; email vasquez4nm@gmail.com.

Kyle Robertson, treasurer Committee to Elect Frida Susana Vasquez for State Senate, 840 Rio Hondo Rd NE, Rio Rancho, NM 87144; Ph: 505-891-4282; email robertsonaccnm@gmail.com

Audrey Trujillo, candidate for Sen. 9, 677 W. Meadowlark Lane, Corrales, NM 87048; Ph: 505-720-0315; email AudreyTrujillom@gmail.com

5) *What action(s) or relief you seek from the Commission;*

1-19-35. Reports and statements; late filing penalty; failure to file.

B. If any reporting individual fails to file or files a late report of expenditures and contributions due on the Thursday prior to the election, the reporting individual or political committee shall be liable and pay to the secretary of state five hundred dollars (\$500) for the first working day and fifty dollars (\$50.00) for each subsequent working day after the time required for the filing of the report until the complete report is filed, up to a maximum fine as provided in Subsection H of this section.

1-19-36. Criminal penalties.

A. Any person who knowingly and willfully violates any provision of the Campaign Reporting Act is guilty of a misdemeanor and shall be punished by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for not more than one year or both.

B. The Campaign Reporting Act may be enforced by the attorney general or the district attorney in the county where the candidate resides, where a political committee has its principal place of business or where the violation occurred.

Complainant requests Respondent correct campaign finance reports to reflect the opposition ads and the include all of the costs associated with each of the ads. Complainant requests Respondent attend the needed training provided by the Secretary of State for filing accurate campaign finance reports.

Complaint requests the Ethics Commission provide all relief legally appropriate to include but not limited to the relief listed above.

6) *Description of supporting document(s) included with this complaint, if any.*

- C. Screenshot of Text message received by citizen in Sen. Dist. 9 on May 16, at 9:01am.
 - D. Screenshot of Patrick M. Brenner (TINPAC Treasurer) social media post on May 16, 2024.
 - E. Screenshot of Text received by citizen in Sen. Dist. 9 on May 23, at 10:40am.
 - F. Second screenshot from concerned citizen in Sen. Dist. 9 on May 23rd.
 - G. Screenshot of Patrick M. Brenner (TINPAC treasurer) social media post on May 23rd.
 - H. Scan of flyer received in the mail on May 23rd by Trujillo Household or Current Resident.
 - I. Third Primary Report for TINPAC.
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#3

1) *Law(s) violated and relevant sections(s) or provision(s) of the law;*

1-19-26.8. Prohibited use of materially deceptive media; disclaimers required; crime for violation; exceptions; enforcement.

A. Except as otherwise provided in Subsections B through D of this section, it is a violation of the Campaign Reporting Act for a person to distribute or enter into an agreement with another person to distribute materially deceptive media. A person violates this subsection if that person distributes or enters into an agreement with another person to distribute materially deceptive media and:

- (1) the person knows the materially deceptive media falsely represents a depicted individual;
- (2) the distribution occurs within ninety days before an election; and
- (3) the person intends the distribution to result in altering the voting behavior of electors in an election by misleading the electors into believing that the depicted individual engaged in the speech or conduct depicted, and the distribution is reasonably likely to cause that result.

B. The prohibition provided in Subsection A of this section does not apply to materially deceptive media if that media includes a disclaimer that appears in a

clear and conspicuous manner in every language used in the media and indicates: "This _____ has been manipulated or generated by artificial intelligence". The blank line in the disclaimer shall be filled in with each of the following terms that describes the media:

(1) image;

Effective dates. — Laws 2024, ch. 57 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective May 15, 2024, 90 days after adjournment of the legislature.

2 & 3) Description of the alleged violation and Facts that substantiate the alleged violations including the date, place, and time of the Respondent's conduct.

Violation occurred on May 16, 2024, when texts were sent to citizens of Senate Dist. 9 and the follow up mailer was received on May 23, 2024. Accusing a candidate of Antisemitism is classified as religious hate speech and does not represent the candidate according to reports from the Candidate. The flyer has a QR code supposedly to verify the content of the opposition ad but the QR code does not lead to any verification of the content of the flyer.

There was allegedly a website promoted by TINPAC on their text to citizens <https://www.antisemiticaudrey.com/> that has expired.

This along with the social media posts by the Treasurer with copies of the flyer present an ugly part of elections that the State of New Mexico now has statutes to prevent.

In this time of increasing political turmoil and violent tensions, accusations of antisemitism, anti-Palestinian sentiment, anti-Muslim bias, or any other defamation of religious beliefs are unacceptable and careless.

4) Names and contact information of any witnesses;

Patrick Monroe Brenner, Treasurer, PO Box 1746, Bernalillo, NM 87004; Ph 505-386-1139; email: pbrenner@advocatesforliberty.org .

Frida Susana Vasquez, candidate Sen.9, 2415 Southern Blvd SE, Rio Rancho, NM 87124; Ph:505-414-6899; email vasquez4nm@gmail.com.

Kyle Robertson, treasurer Committee to Elect Frida Susana Vasquez for State Senate, 840 Rio Hondo Rd NE, Rio Rancho, NM 87144; Ph: 505-891-4282; email robertsonaccnm@gmail.com

Audrey Trujillo, candidate for Sen. 9, 677 W. Meadowlark Lane, Corrales, NM 87048; Ph: 505-720-0315; email AudreyTrujillom@gmail.com

5) *What action(s) or relief you seek from the Commission;*

D. A person found to have willfully and knowingly violated the prohibition provided in Subsection A of this section is guilty of a crime as follows:

(1) for a first conviction, a misdemeanor; and

(2) for a second conviction, a fourth-degree felony.

E. Enforcement of the provisions of this section, including injunctive relief, against a person who violates this section may be sought in any court of competent jurisdiction by any of the following:

(1) the attorney general;

(2) a district attorney;

(3) a depicted individual who is falsely represented;

(4) a candidate for office who has been injured or is likely to be injured by the distribution of materially deceptive media; or

(5) any organization that represents the interests of voters who are likely to be misled by the distribution of materially deceptive media.

Complaint requests the Ethics Commission provide all relief legally appropriate to include but not limited to the relief listed above. The Ethics Commission does have the authority to refer this part of the case to the NM DOJ for prosecution and should seriously consider doing so. This type of speech cannot be tolerated.

6) *Description of supporting document(s) included with this complaint, if any.*

J. Scan of Antisemitic flyer with non-working QR code.

K. Screenshots Antisemitic flyer by Patrick M. Brenner, TINPAC treasurer.

SEE NEXT PAGE for ATTESTATION

**By submitting this complaint, I attest under oath and subject to penalty of perjury that the information in the complaint, and any attachments provided with the complaint, are true and accurate.*

FULL NAME (Print): Ramona Goolsby

DATE: 6/24/2024

SIGNATURE: /s/Ramona Goolsby