



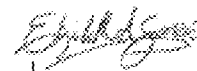
Administrative Office of the Courts

NEWS ADVISORY

Editors and Reporters:

The state Supreme Court today issued a writ of mandamus against the Otero County Commission for certification of 2022 primary election returns. The Court granted a petition by Secretary of State Maggie Toulouse Oliver for the writ of mandamus.

Attached are the writ of mandamus and an order granting the secretary of state's petition.



1 **IN THE SUPREME COURT OF THE STATE OF NEW MEXICO**

2 **June 15, 2022**

3 **NO. S-1-SC-39426**

4 **MAGGIE TOULOUSE OLIVER,**
5 **in her official capacity as Secretary of State**
6 **of the State of New Mexico,**

7
8 Petitioner,

9 v.

10
11 **THE OTERO COUNTY COMMISSION,**

12
13 Respondent.

14
15
16 **WRIT OF MANDAMUS**

17 **TO: Otero County Commission**
18 **c/of RB Nichols**
19 **1101 New York Ave**
20 **Alamogordo, NM 88310**
21

22 **GREETINGS:**

23 WHEREAS, a petition for writ of mandamus having been granted by this
24 Court on June 15, 2022, and the Court being sufficiently informed and good cause
25 appearing for the issuance of a writ of mandamus;
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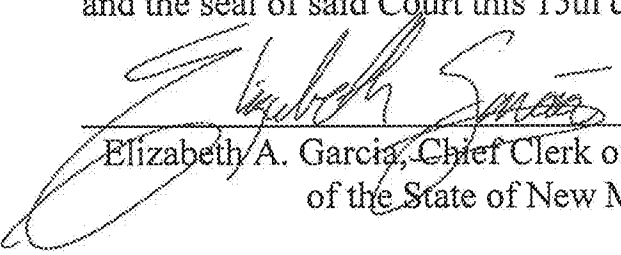
1 NOW, THEREFORE, you, The Otero County Commission, are ordered to
2 comply with the requirements set forth in NMSA 1978, Section 1-13-13(A) (2019).
3 Specifically, The Otero County Commission shall "meet to approve the report of the
4 canvass of the returns and declare the results" of the 2022 primary election no later
5 than **June 17, 2022**.

6 NOW, THEREFORE, you, The Otero County Commission, shall comply with
7 all nondiscretionary duties set forth in Section 1-13-13(B) necessary to permit the
8 Secretary of State to fulfill her obligations under Section 1-13-13(C).

9 IT IS SO ORDERED.

10 WITNESS, the Honorable C. Shannon Bacon, Chief
11 Justice of the Supreme Court of the State of New Mexico,
12 and the seal of said Court this 15th day of June, 2022.

13 (SEAL)

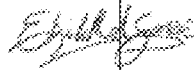
14 
15 Elizabeth A. Garcia, Chief Clerk of the Supreme Court
of the State of New Mexico

I CERTIFY AND ATTEST:

A true copy was served on all parties
or their counsel of record on date filed.

Elizabeth A. Garcia

Chief Clerk of the Supreme Court
of the State of New Mexico



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IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

June 15, 2022

NO. S-1-SC-39426

MAGGIE TOULOUSE OLIVER,
in her official capacity as Secretary of State
of the State of New Mexico,

Petitioner,

v.

THE OTERO COUNTY COMMISSION,

Respondent.

ORDER

WHEREAS, this matter came before the Court for consideration on Petitioner Maggie Toulouse Oliver's Emergency Verified Petition for Writ of Mandamus to Compel Certification of Election Results, and the Court having considered the foregoing and being sufficiently advised, Chief Justice C. Shannon Bacon, Justice Michael E. Vigil, and Justice David K. Thomson concurring; and Justice Julie J. Vargas and Justice Briana H. Zamora recusing;

WHEREAS, Rule 12-504(C)(1) NMRA provides that the "Court may act on a petition prior to the filing of a response";

NOW, THEREFORE, IT IS ORDERED that the petition is GRANTED and a writ of mandamus shall issue directing Respondent The Otero County Commission to comply with the requirements set forth in NMSA 1978, Section 1-

1 13-13(A) (2019). Specifically, Respondent shall “meet to approve the report of the
2 canvass of the returns and declare the results” of the 2022 primary election no later
3 than **June 17, 2022**; and

4 IT IS FURTHER ORDERED that Respondent shall comply with all
5 nondiscretionary duties set forth in Section 1-13-13(B) necessary to permit the
6 Secretary of State to fulfill her obligations under Section 1-13-13(C).


7 IT IS SO ORDERED.



WITNESS, the Honorable C. Shannon Bacon, Chief Justice of the Supreme Court of the State of New Mexico, and the seal of said Court this 15th day of June, 2022.

Elizabeth A. Garcia, Clerk of Court
Supreme Court of New Mexico

By _____


Chief Clerk

I CERTIFY AND ATTEST:
A true copy was served on all parties
or their counsel of record on date filed.
Elizabeth A. Garcia
Chief Clerk of the Supreme Court
of the State of New Mexico