



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

**MICHELLE LUJAN GRISHAM** in her official capacity as Governor of New Mexico; **HOWIE MORALES** in his official capacity as New Mexico Lieutenant Governor and President of the New Mexico Senate; **MIMI STEWART**, in her official capacity as President Pro Tempore of the New Mexico Senate; and **BRIAN EGOLF**, in his official capacity as Speaker of the New Mexico House of Representatives,  
Petitioners – Defendants,

v.

No. S-1-SC-39481

**HONORABLE FRED VAN SOELEN**,  
Respondent,

and

**REPUBLICAN PARTY OF NEW MEXICO**,  
**DAVID GALLEGOS**, **TIMOTHY JENNINGS**,  
**DINAH VARGAS**, **MANUEL GONZALES**,  
**JR.**, **BOBBY** and **DEE ANN KIMBRO**, and  
**PEARL GARCIA**,  
Real Parties in Interest–Plaintiffs,

**MAGGIE TOULOUSE OLIVER**, in her official capacity,  
Real Party in Interest–Defendant

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**SECRETARY OF STATE’S ANSWER BRIEF  
ON PETITION FOR WRIT OF SUPERINTENDING CONTROL**

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As stated in its *Response To the Verified Petition for Superintending Control* filed in this matter on September 6, 2022, the New Mexico Office of the Secretary of State (“Secretary”) is only a nominal party in this matter and was not directly involved in the 2021 redistricting process. As such, the Secretary does not opine or take a substantive position on the controlling legal issues presented by the Legislative and Executive Branch Defendants in their Motion to Dismiss pursuant to Rule 1-012(B)(1) and (6) NMRA, in the underlying case. On October 14, 2022, this Court issued an Order directing all parties to file supplemental briefs. To the extent that the Secretary’s position is sought for review by the Supreme Court, the Secretary will again take no substantive position on the ultimate questions presented in the jointly filed *Brief-In-Chief*.

This being said, the Secretary urges this Court to resolve this important legal dispute as quickly as possible as our office must provide nominating petitions to all prospective candidates by October of this year. *See* NMSA 1978, Section 1-8-30(D) (2011). In addition, having this issue resolved to ensure finality in the Federal Congressional Districts by October 2023, will guarantee both voters and candidates are prepared for the 2024 Primary Election.

Respectfully submitted,

SECRETARY OF STATE  
MAGGIE TOULOUSE OLIVER

/s/ Dylan K. Lange

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## **STATEMENT OF COMPLIANCE**

The Secretary's Response complies with the limitations of Rule 12-318 NMRA. This Response is prepared in Times New Roman typeface and contains 210 words.

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**CERTIFICATE OF SERVICE**

I hereby certify that I caused a true and correct copy of the foregoing Secretary of State's Response to be served by email through the Court's electronic filing system to all counsel of record on November 23, 2022.

/s/ Dylan K. Lange  
Dylan K. Lange

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