

Wednesday, April 25, 2018

Jason W. Brooks, Editor  
Las Vegas Optic  
720 University, Suite B  
Las Vegas, NM 87701

Dear Mr. Brooks:

We are requesting a correction, with prominence equal to that of the original article (front page, above the fold) of your April 25, 2018 article, "Romero Files Complaint; Officers Sworn In," as it contains the following misstatements and is unjustly damaging to the reputations of the city, city personnel and private persons, e.g, Cordia Sammeth and Diane Lindsay.

- 1). Jose A. Gurule is alive and well, not deceased as stated in your article. Jose A. Gurule, who voted by absentee ballot in the April 17 election, was born in 1963. We have attached the pertinent page of the San Miguel County Clerk's report listing Gurule's name, birth year and physical address.
- 2). The deceased 82-year-old referenced in your article as Jose A. Gurule is listed in the Optic's own obituary as Jose L. "Suki" Gurule. Both the age discrepancy and the middle initial establish clearly that he is not the Jose Gurule who voted in the April 17<sup>th</sup> election. We have attached a copy of the obituary, also for your reference.
- 3). Jose A. Gurule does not reside on Taos Street as your article states.
- 4). Your article states that "State law permits voters to have ballots sent to a new address if there is an intention to move there." It is noteworthy that you provided neither citation nor source for this statement.

This unsourced contention is the keystone for much of your article. It also turns out to be false.

You were likely looking at 3-8-3 and/or 1-1-7 of the NMSA. Both of these statutes address determination of a voter's place of residence. They do not in any way address where a voter's ballot may be mailed.

**1-1-7. Residence; rules for determining.**

For the purpose of determining residence for voting, the place of residence is governed by the following rules:

A. the residence of a person is that place in which his habitation is fixed, and to which, whenever he is absent, he has the intention to return;

B. the place where a person's family resides is presumed to be his place of residence, but a person who takes up or continues his abode with the intention of remaining at a place other than where his family resides is a resident where he abides;

C. a change of residence is made only by the act of removal joined with the intent to remain in another place. There can be only one residence;

D. a person does not gain or lose residence solely by reason of his presence or absence while employed in the service of the United States or of this state, or while a student at an institution of learning, or while kept in an institution at public expense, or while confined in a public prison or while residing upon an Indian or military reservation;

E. no member of the armed forces of the United States, his spouse or his dependent is a resident of this state solely by reason of being stationed in this state;

F. a person does not lose his residence if he leaves his home and goes to another country, state or place within this state for temporary purposes only and with the intention of returning;

G. a person does not gain a residence in a place to which he comes for temporary purposes only;

H. a person loses his residence in this state if he votes in another state in an election requiring residence in that state, and has not upon his return regained his residence in this state under the provisions of the constitution of New Mexico;

I. "residence" is computed by not including the day on which the person's residence commences and by including the day of the election;

J. a person does not acquire or lose residence by marriage only.

**History:** 1953 Comp., § 3-1-6, enacted by Laws 1969, ch. 240, § 6; 1973, ch. 70, § 1.

For the purpose of determining the residence of a person desiring to be a candidate for a municipal elected office, or the residence of a person who has signed a petition to cause a special or regular municipal election, or for determining residency for any other purpose pursuant to the Municipal Election Code [NMSA 1978], the following rules shall govern:

A. residence shall be presumed to be at the address or location shown on the original affidavit of voter registration on file with the county clerk; and

B. the presumption established in Subsection A of this section may be overcome if residence is shown to be elsewhere pursuant to the rules set forth in Section 1-1-7 NMSA 1978.

**History:** 1978 Comp., § 3-8-3, enacted by Laws 1985, ch. 208, § 11.

Absentee voters may have anyone of their choice assist them, so long as the person assisting is not the voter's employer, an agent of the employer, an officer or agent of the voter's union, or a candidate whose name is on the ballot (Section 1-12-15, NMSA 1978)

Additionally, the New Mexico Absentee Voter Application itself provides for absentee voters to have their ballots sent to the address of their choice. We have attached a

copy, printed directly from the New Mexico Secretary of State's website, to substantiate this.

Let me repeat for emphasis that your article is unjustly damaging not only to the reputation of the city, but to several individuals, some of whom are private persons, not public figures. The ethical standards of journalism require that you publish a correction, on all of these misstatements, with the same prominence you gave to the original story.

Respectfully,

Lee Einer  
Public Information Officer,  
City of Las Vegas

Attachments

**Special Report - City of Las Vegas: 4/13/2018**

*Municipal Run Off Election - Election held on Tuesday, April 17, 2018*

Registrant ID	Name/Voting Status	Address	Valid ID Required	District or Precinct/Site Voted At
1279822	<b>GARDUNO, JULIO A</b>	4305 Beresford Ln. NW Albuquerque NM 87120	<input type="checkbox"/>	CITY WARD 1 City of Las Vegas City Hall (AB)
1280833	<b>GONZALES, ALBERT R</b>	724 CHAVEZ STREET LAS VEGAS NM 87701	<input type="checkbox"/>	CITY WARD 4 City of Las Vegas City Hall (AB)
1287216	<b>GONZALES, ALICE H</b>	510 Alamo Street Las Vegas NM 87701	<input type="checkbox"/>	CITY WARD 4 City of Las Vegas City Hall (AB)
1278566	<b>GONZALES, FELICITA</b>	227 UNION ST LAS VEGAS NM 87701	<input type="checkbox"/>	CITY WARD 4 City of Las Vegas City Hall (AB)
1286523	<b>GONZALES, LORENZO</b>	227 Union Street Las Vegas NM 87701	<input type="checkbox"/>	CITY WARD 4 City of Las Vegas City Hall (AB)
160032596	<b>GONZALES, MICHAEL C</b>	728 CHAVEZ STREET LAS VEGAS NM 87701	<input type="checkbox"/>	CITY WARD 4 City of Las Vegas City Hall (AB)
1289179	<b>GONZALES, TERRY A</b>	846 Sperry Drive Las Vegas NM 87701	<input type="checkbox"/>	CITY WARD 4 City of Las Vegas City Hall (AB)
1284554	<b>GURULE, CECILIO</b>	806 Taos Street Las Vegas NM 87701	<input type="checkbox"/>	CITY WARD 1 City of Las Vegas City Hall (AB)
2343897	<b>GURULE, DOMINIC</b>	806 Taos Street Las Vegas NM 87701	<input type="checkbox"/>	CITY WARD 1 City of Las Vegas City Hall (AB)
1281035	<b>GURULE, ELIZABETH</b>	806 TAOS ST LAS VEGAS NM 87701	<input type="checkbox"/>	CITY WARD 1 City of Las Vegas City Hall (AB)
1281030	<b>GURULE, JOHN</b>	806 TAOS ST LAS VEGAS NM 87701	<input type="checkbox"/>	CITY WARD 1 City of Las Vegas City Hall (AB)
838888	<b>GURULE, JOSE A</b>	806 Taos Street Las Vegas NM 87701	<input type="checkbox"/>	CITY WARD 1 City of Las Vegas City Hall (AB)
1299394	<b>GURULE, MARY A</b>	806 Taos Street Las Vegas NM 87701	<input type="checkbox"/>	CITY WARD 1 City of Las Vegas City Hall (AB)

**AUTOMATED ELECTION SERVICES**

<u>Voter ID</u>		<u>Voter Name</u>	<u>ID Status/ DOB/Party</u>	<u>Residence Address</u>	<u>Precinct Part/ Ballot Styl</u>
2343897	BALLOT RECEIVED 04/06/2018	GURULE, DOMINIC	A 1953 /DEM	2318 ROMERO ST, LAS VEGAS	026.1 SANM_MUN_STY00 2
1281035	BALLOT RECEIVED 04/06/2018	GURULE, ELIZABETH	A 1960 /DEM	806 TAOS ST, LAS VEGAS	026.1 SANM_MUN_STY00 2
1281030	BALLOT RECEIVED 04/06/2018	GURULE, JOHN	A 1966 /DEM	806 TAOS ST, LAS VEGAS	026.1 SANM_MUN_STY00 2
838888	BALLOT RECEIVED 04/06/2018	GURULE, JOSE A	A 1963 /DEM	2318 ROMERO ST, LAS VEGAS	026.1 SANM_MUN_STY00 2
1299394	BALLOT RECEIVED 04/10/2018	GURULE, MARY A	A 1950 /DEM	156 VALENCIA ST, LAS VEGAS	026.1 SANM_MUN_STY00 2
1292749	BALLOT RECEIVED 04/06/2018	GUTIERREZ, MARY DELL	A 1948 /DEM	806 TAOS ST, LAS VEGAS	026.1 SANM_MUN_STY00 2
1286908	BALLOT RECEIVED 04/13/2018	LARREA, ISIDRO F	A 1924 /DEM	2940 NAVAJO ST, LAS VEGAS	026.1 SANM_MUN_STY00 2
1284251	BALLOT RECEIVED 04/09/2018	LOPEZ, CARLOS FILIMON	A 1979 /DEM	712 NEW MEXICO AVE, LAS VEGAS	008.3 SANM_MUN_STY00 1
2764148	BALLOT RECEIVED 04/09/2018	LOPEZ, CHARLENE M	A 1983 /DEM	712 NEW MEXICO AVE, LAS VEGAS	008.3 SANM_MUN_STY00 1
1292756	BALLOT RECEIVED 04/06/2018	LOPEZ, LARRY E	A 1948 /REP	2309 ROMERO ST, LAS VEGAS	026.1 SANM_MUN_STY00 2
160032545	BALLOT RECEIVED 04/13/2018	LUCERO, DAVID R	A 1957 /DEM	322 ALAMO ST, LAS VEGAS	008.3 SANM_MUN_STY00 1
1293302	BALLOT RECEIVED 04/12/2018	LUCERO, ELOY L	A 1945 /DEM	612 SABINO ST, LAS VEGAS	008.2 SANM_MUN_STY00 1
1297106	BALLOT RECEIVED 04/16/2018	LUCERO, MARIA G	A 1955 /DEM	1503 MONTEZUMA AVE, LAS VEGAS	003.2 SANM_MUN_STY00 2
1295606	BALLOT RECEIVED 04/12/2018	LUCERO, SUSIE L	A 1953 /DTS	612 SABINO ST, LAS VEGAS	008.2 SANM_MUN_STY00 1
1297745	BALLOT RECEIVED 04/09/2018	LUDI, BERTHA M	A 1952 /DTS	2225 8TH ST, LAS VEGAS	027.4 SANM_MUN_STY00 2
1284326	BALLOT RECEIVED 04/09/2018	LUDI, JOHN A	A 1980 /DEM	2225 8TH ST, LAS VEGAS	027.4 SANM_MUN_STY00 2
1289064	BALLOT RECEIVED 04/10/2018	MACK, CONNIE A	A 1946 /DTS	517 CHAVEZ ST, LAS VEGAS	008.2 SANM_MUN_STY00 1
2201438	BALLOT RECEIVED 04/10/2018	MAESTAS, DELFINIO P	A 1977 /DEM	500 COLONIAS ST SPC 3, LAS VEGAS	026.1 SANM_MUN_STY00 2

**Jose L. "Suki" Gurule(1935 - 2018)**

Jose L. Gurule "Suki", 82, a resident of Albuquerque, N.M., and former resident of Las Vegas, N.M., passed away on Monday, March 26, 2018.

He was born on Sept. 9, 1935, to Santiago and Clarita Gurule. He was married to Mary Eva Gallegos in 1951.

Suki served with the Las Vegas Police Department in the 1960s and 70s, later going on to serve the City of Las Vegas as a [firefighter](#).

He is preceded in death by his wife, Eva Gurule, and their son, Anthony Gurule, parents Santiago and Clarita Gurule; brothers Frank Gurule, Benito Gurule, Lawrence Gurule, and Margarito Gurule; and sisters Susie Vega, Mary Anaya, Florinda Barela and Aurora Tapia.

He is survived by six children: Michael Gurule (Lora), Lisa Martinez (Geno), Barbara Jean Flores, Albert Flores, Anthony Flores and Ignacio Flores; eight grandchildren, 14 great-grandchildren and numerous: other relatives and friends.

A special thank-you to Joe and Therese Vega for their support during this difficult time.

A rosary will be recited at 7 p.m., Monday, April 2, 2018. A funeral service will be conducted Tuesday, April 3, 2018 at 1:30 pm with both services held at Our Lady of Sorrows Church in Las Vegas, N.M. with Father Rob Yaksich as Celebrant.

Interment will follow at the St. Anthony Cemetery in Las Vegas, N.M. with the following serving as casket bearers, Gilbert Vega, Cisco Vega, Jojo Flores, James Fernandez, Robert Tarr and Michael Gurule, Jr.

Please visit our website: [www.rogersmortuarynm.com](http://www.rogersmortuarynm.com) to sign the online register book.

Arrangements are under the direction of Rogers Mortuary 600 Reynolds Ave., Las Vegas, N.M., 1-800-479-3511 or 505-425-3511.

**Funeral Home**

**Rogers Mortuary - Las Vegas**

600 Reynolds Avenue Las Vegas, NM 87701

505-425-3511

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NMAV-1 (Rev. 10/2016)

**APPLICATION FOR ABSENT VOTER BALLOT**  
**SOLICITUD PARA BOLETA DE VOTANTE AUSENTE**

**APPLICATION FOR ABSENT VOTER BALLOT**  
**SOLICITUD PARA BOLETA DE VOTANTE AUSENTE**

COUNTY / CONDADO  
 STATE OF NEW MEXICO / ESTADO DE NUEVO MÉXICO

<p>ELECTION / ELECCIÓN</p> <p><input type="checkbox"/> GENERAL / GENERAL</p> <p><input type="checkbox"/> PRIMARY / PRIMARIA</p> <p><input type="checkbox"/> SPECIAL / ESPECIAL</p> <p><input type="checkbox"/> SCHOOL / ESCOLAR</p>	<p>I am a registered voter of New Mexico and hereby make application for an absentee ballot for the offices and/or questions on which I may vote under the Absentee Voter Act. <b>If you move to another address you must notify the County Clerk.</b></p> <p><i>Soy un votante registrado de Nuevo México y hago una solicitud para boleta de votante ausente para los puestos y/o preguntas por las cuales yo puedo votar conforme a la Acta del Votante Ausente. Si usted se muda a otra residencia, favor de notificar al Escribano del Condado.</i></p>			
<p>Print or type voter's name as registered /          Con letra de molde, escriba el nombre del votante según su registro</p>	<p>Street Address as registered / Dirección según su registro</p>			
<p>Mail ballot to address below / <b>Envíe la boleta a esta dirección</b>          See Instruction #2 on Reverse / <b>Lea Instrucción #2 en reversa</b></p>	<p>City - State - Zip /          Ciudad - Estado - Zona Postal</p>	<p>Year of Birth /          Año del nacimiento</p>	<p>SIGNATURE of registered voter / FIRMA del votante registrado</p> <p>X</p>	<p>DATE/FECHA</p> <p>/</p>

## INSTRUCTIONS – INSTRUCCIONES

1. Type or print your name, your STREET ADDRESS (no P.O. Boxes) and your year of birth in the spaces provided.  
*En letra de molde, escriba su nombre, SU DIRECCIÓN (no use apartado postal) y su año de nacimiento en el espacio apropiado.*
2. Only fill in the area under “Mail ballot to address below” if you want your absentee ballot sent to an address other than the street address you indicated in step 1 above.  
*Complete la parte “Envíe boleta a esta dirección” solamente si desea que su boleta sea enviada a otra dirección que no es la indicada en el paso 1 arriba.*
3. Sign and date your application.  
*Firme e indique la fecha de su solicitud.*
4. Return this application in person or by mail to the County Clerk within 48 hours after completion.  
*Regrese la solicitud por correo o en persona al Escribano del Condado dentro de 48 horas de ser completada.*

**If all steps are not properly completed, your application will be rejected, causing a delay in the mailing of your ballot.**

***Si todos los pasos no se han completado correctamente, su solicitud será rechazada, causando un retraso en el envío de su boleta.***

If you have any questions concerning these instructions, please call the County Clerk’s office.  
*Si tiene alguna pregunta acerca de estas instrucciones, favor de llamar a su oficina del Escribano de Condado.*

Fold, seal and mail this application card to the Office of the County Clerk.  
*Doble, selle y envíe esta tarjeta de solicitud a la Oficina del Escribano de Condado.*



Place  
Stamp  
Here  
*Ponga la  
Estampilla  
Aqui*

NMAV-1 (Rev. 10/2016)

### APPLICATION FOR ABSENT VOTER BALLOT *SOLICITUD PARA BOLETA DE VOTANTE AUSENTE*

OFFICE OF THE COUNTY CLERK