CITY OF SUNLAND PARK
NEW MEXICO
1000 MCNUTT RD, SUITE "A" SUNLAND PARK, NM 88063
PH. (575) 589-7565 | FAX (575) 589-1222

SUNLAND PARK

October 31, 2026

Via email and formal correspondence
The Honorable Amanda López Askin, Ph.D.
Doña Ana County Clerk
845 N. Motel Boulevard
Las Cruces, NM 88007

Re: Immediate Investigation of Omitted General Obligation Bond Questions
City Resolution 2026-85 — November 3, 2026 General Election

Dear Clerk Lopez Askin:

On behalf of the City of Sunland Park, I request an immediate, comprehensive investigation and written explanation of why the City's three General Obligation Bond questions were omitted from the November 3, 2026 general election ballot. Please identify the responsible offices, personnel, and process failures, supported by records, and promptly advise the City of lawful corrective options. The City confirmed the omission on October 30, 2026. This matter affects residents' opportunity to vote on essential public investments and may impose avoidable public expense.

Documented submission. The City Council adopted Resolution 2026-85 on August 18, 2026, proposing $8,250,000 in aggregate bond authorization: $2,250,000 for recreation, parks, trails, and wayfinding; $2,500,000 for a public safety complex, equipment, and vehicles; and $3,500,000 for roads and water and wastewater infrastructure. Section III expressly requests placement of the questions on the November 3 ballot; Section IV directs City officers to file the resolution with your office under NMSA 1978, 1-16-3(B), see Exhibit A.

Your office's receipt, No. 1109394, and the recorded resolution identify Instrument No. 2620001, received and recorded August 21, 2026, at 1:28:15 p.m., comprising seven pages with a $25 recording fee, see Exhibit B. This establishes documented receipt and recording 74 days before the election. Please determine how the document was routed for election processing and whether any additional submission was required or requested.

Statutory responsibility. NMSA 1978, 1-16-3(B), requires the local government to file its ballot-question resolution with the county clerk at least 70 days before the election. It further provides: "Not less than sixty-seven days before the election, each county clerk shall certify the local government ballot question to the secretary of state." For November 3, those dates were August 25 and August 28, respectively. The documented August 21 receipt preceded both dates. NMSA 1978, 1-10-2, states: "The county clerk shall prepare and supply the ballots used in elections conducted under the Election Code." Section 1-10-4(B) assigns the county clerk written precinct-ballot certification, including applicable ballot questions, at least 60 days before a general election; subsection (H) requires transmission of certified ballots to the printer and

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Secretary of State. Under 1.10.16.8(B), (D) NMAC, the Secretary of State approves the question's form, and the appropriate election official submits that form and the full resolution within the prescribed timeline. These provisions establish distinct City, County Clerk, and Secretary of State responsibilities that the investigation must trace.

Investigation and supporting records. Please provide a documented chronology addressing the following:

1. Receipt and routing: Identify who received and routed the resolution, whether it was treated solely as a recording submission, and any allegedly unmet election filing requirement, its legal basis, and notice to the City.
2. Certification and state review: Were all three questions and the full resolution submitted to the Secretary of State by August 28? Provide transmission records, ballot language, approvals, deficiency notices, and correspondence. Explain any failure to submit and identify assigned and supervisory personnel.
3. Ballot preparation and approval: At what stage were the questions omitted? Identify who prepared, programmed, proofread, certified, and authorized the affected ballot styles. Provide relevant proofs, approval records, vendor instructions, and communications with the City and Secretary of State.
4. Discovery and accountability: When did each involved office first learn of the omission, and when was the City notified? State findings on responsibility, disputed facts, and preventive controls, including any contributing City action or omission, supported by records.
5. Remedy and costs: Coordinate immediately with the Secretary of State and the City's counsel regarding any lawful relief still available and, if necessary, the earliest lawful special-election option. Provide the required steps, anticipated schedule, itemized costs, and a proposed allocation of corrective expenses.

Please preserve all related paper and electronic records, including intake and routing logs, emails, texts concerning official business, attachments, metadata, ballot versions, certification records, and vendor communications. Request preservation by involved vendors and offices. Identify withheld records and the legal basis.

Immediate response. Please acknowledge receipt immediately and provide an initial written response and designated point of contact no later than noon Mountain Time on November 2, 2026. Please provide preliminary findings within five business days after receipt and a final written report within ten business days, or explain any necessary additional time with firm milestones. These are requested response dates reflecting the urgency of the matter.

Reservation of financial rights. The City seeks a cooperative, fact-based resolution and does not prejudge fault or liability. If the investigation establishes that County acts or omissions caused the exclusion, the City expressly reserves its right, to the extent permitted by law, to seek reasonable financial restoration or reimbursement for documented, causally related expenses. These may include necessary special-election costs, duplicated notices and voter information, and additional professional services. The City seeks a lawful cost-resolution process and reserves

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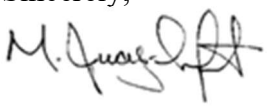
available remedies, subject to applicable notice requirements, defenses, immunities, and limitations. No rights are waived.

We recognize your office's election responsibilities and appreciate your immediate cooperation in protecting public confidence, restoring the voting opportunity, and limiting additional costs.

Sincerely,



Mario Juarez-Infante, PE
City Manager

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Exhibit A
Resolution 2026-85

CITY OF SUNLAND PARK
RESOLUTION 2026-85

A RESOLUTION CALLING FOR THE SUBMISSION OF GENERAL OBLIGATION BOND QUESTIONS TO ALL QUALIFIED VOTERS AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 3, 2026, FOR THE PURPOSE OF VOTING ON THE ISSUANCE OF GENERAL OBLIGATION BONDS IN AN AGGREGATE PRINCIPAL AMOUNT OF EIGHT MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS; DESCRIBING THE PURPOSES TO WHICH THE BOND PROCEEDS WOULD BE EXPENDED; PROVIDING FOR THE FILING OF THE ELECTION RESOLUTION WITH THE DOÑA ANA COUNTY CLERK; AUTHORIZING AND DIRECTING THE OFFICERS AND EMPLOYEES OF THE CITY TO COORDINATE WITH AND ASSIST THE DOÑA ANA COUNTY CLERK WITH RESPECT TO THE ELECTION; PRESCRIBING OTHER DETAILS IN CONNECTION WITH SUCH ELECTION AND BONDS; AND RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION THEREWITH.

The City Council is informed that:

WHEREAS, the City Council (the "Governing Body") of the City of Sunland Park (the "City") in Doña Ana County and State of New Mexico, hereby determines that it is necessary and in the best interests of the City and its inhabitants to incur indebtedness in the principal amount and for the purposes provided herein without the prior filing of a petition by the qualified electors; and

2620001
RESOLUTION SUNLAND PARK
AUG 21, 2026 01:28:16 PM PAGES: 7
Deputy: Ashley Wood
Amanda López Askin, County Clerk, Dona Ana, NM

WHEREAS, subject to the limitations and in accordance with Article IX, Section 12 of the New Mexico Constitution and Sections 6-15-1 through 6-15-22 NMSA 1978, the City may issue general obligation bonds for the purposes permitted by Section 3-30-5 NMSA 1978; and

WHEREAS, pursuant to Section 3-30-6 NMSA 1978, the Governing Body determines that it is in the best interests of the City that the question of issuing general obligation bonds for the purposes outlined herein be submitted to the qualified electors of the City at the election to be held on November 3, 2026 (the "Election"); and

WHEREAS, the Governing Body has the power to submit questions of incurring indebtedness to the qualified electorate of the City pursuant to applicable laws of the State of New Mexico, and pursuant to Article IX, Section 12 of the New Mexico Constitution; and

WHEREAS, the Governing Body hereby determines and declares that the projects for which the questions of issuing the City's general obligation bonds as set forth herein, are for a public purpose, and no bond election has been held on the proposed bond election questions during the year immediately preceding the date established for the Election.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Sunland Park:

(I)

THAT all action, not inconsistent with the provisions of this Resolution, heretofore taken by the Governing Body and the officers of the City directed toward the projects described in the

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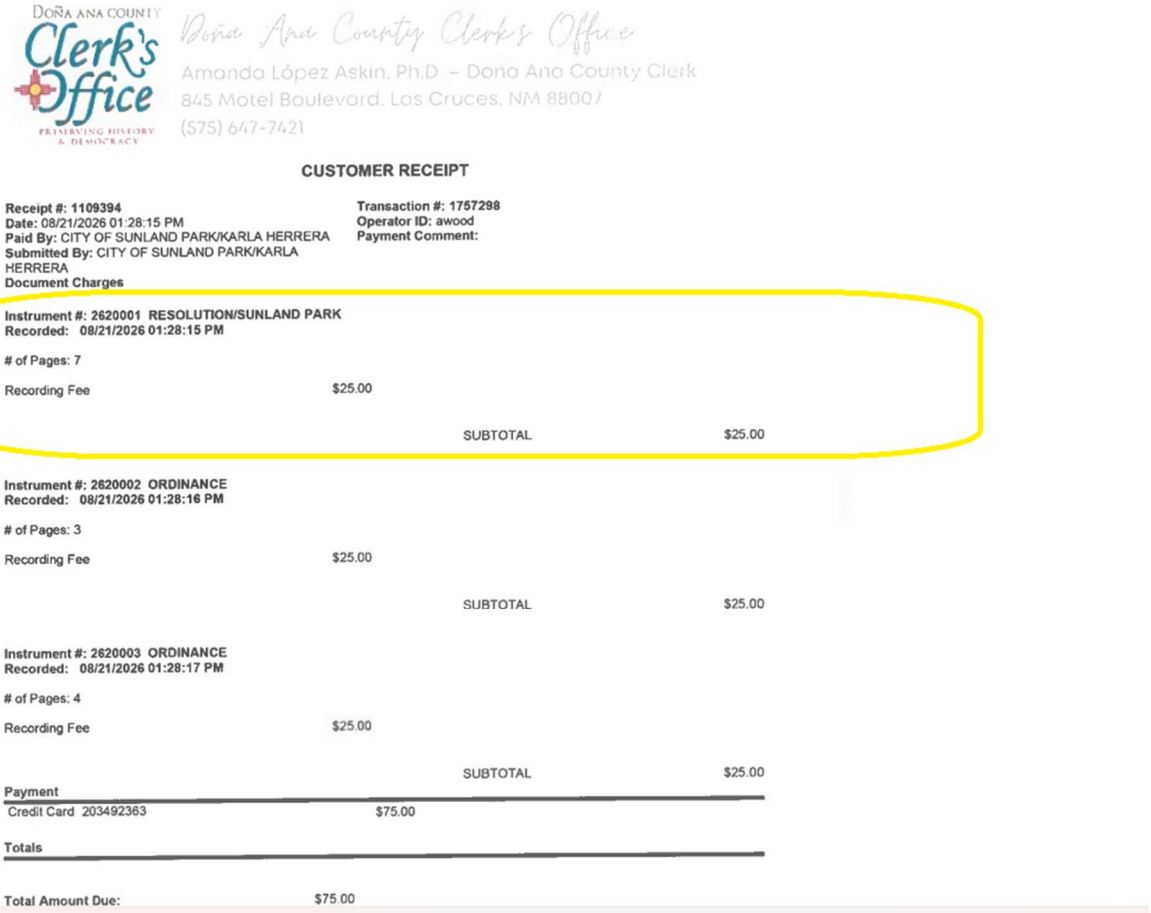
Exhibit B
Receipt No. 1109394



DOÑA ANA COUNTY Clerk's Office
PRESERVING HISTORY & DEMOCRACY

Doña Ana County Clerk's Office
Amanda López Askin, Ph.D. – Doña Ana County Clerk
845 Motel Boulevard, Las Cruces, NM 88007
(575) 647-7421

CUSTOMER RECEIPT

Receipt #: 1109394
Date: 08/21/2026 01:28:15 PM
Paid By: CITY OF SUNLAND PARK/KARLA HERRERA
Submitted By: CITY OF SUNLAND PARK/KARLA HERRERA
Document Charges

Transaction #: 1757298
Operator ID: awood
Payment Comment:

Instrument #: 2620001 RESOLUTION/SUNLAND PARK
Recorded: 08/21/2026 01:28:15 PM

# of Pages: 7

Recording Fee $25.00

SUBTOTAL $25.00

Instrument #: 2620002 ORDINANCE
Recorded: 08/21/2026 01:28:16 PM

# of Pages: 3

Recording Fee $25.00

SUBTOTAL $25.00

Instrument #: 2620003 ORDINANCE
Recorded: 08/21/2026 01:28:17 PM

# of Pages: 4

Recording Fee $25.00

SUBTOTAL $25.00

Payment

Credit Card 203492363 $75.00

Totals

Total Amount Due: $75.00