

17-PELRB-2024

STATE OF NEW MEXICO
PUBLIC EMPLOYEES LABOR RELATIONS BOARD

JOSEPH URBANIAK,

Petitioner,

and

PELRB No. 335-23

AFSCME, COUNCIL 18,

Respondent.

ORDER

THIS MATTER comes before the Public Employee Labor Relations Board at its regularly scheduled meeting on March 5, 2024, for review of the Executive Director's Report on Petitioner's Objections to the Election and review of the Election Results. The Board, having reviewed the file and the Director's Report, hearing from those present, and being otherwise sufficiently advised, hereby unanimously adopts the findings in the Report, dismisses the objections as being without merit and affirms the results of the election, to wit: only 33% of eligible voters in the bargaining unit cast ballots in favor of decertifying AFSCME, Council 18 so that it remains as the exclusive representative with demonstrated majority support of the bargaining unit.

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

DocuSigned by:

Peggy Nelson

PEGGY J. NELSON, BOARD CHAIR

3/7/2024

DATE

**STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD**

In re:

JOSEPH URBANIAK,

Petitioner,

and

PELRB No. 335-23

AFSCME, COUNCIL 18,

Respondent.

DIRECTOR'S REPORT ON OBJECTIONS TO ELECTION

STATEMENT OF THE CASE: This matter comes before Thomas J. Griego on Joseph Urbaniak's Objections to the Decertification Election conducted on Friday, January 12, 2024, from 10:30 AM to 11:00 AM via a Microsoft Teams Meeting. A copy of Mr. Urbaniak's objections is attached to this report as Appendix A. As Mr. Urbaniak points out in his objections, NMAC 11.21.2.34 is the rule governing objections to conduct affecting the result of an election:

“Within five days following the service of a tally of ballots or the issuance of a certification pursuant to Subsection A of Section 33 above, a party may file objections to conduct affecting the determination of majority support without an election [or] the result of the election. Objections shall set forth all grounds for the objection with supporting facts and shall be served on all parties to the proceeding. The director shall, within 30 days of the filing of such objections, investigate the objections and issue a report thereon.

Alternatively, the director may schedule a hearing on the objections within 30 days of the filing of the objections. A determination to hold a hearing is not reviewable by the board and shall follow the same procedures set forth in Subsections B, C and D of Section 19, Section 20 and Section 21 above. A party adversely affected by the director's or hearing examiner's report may file a request for review with the board under the same procedures set forth in Section 22, above. If the director, hearing examiner or board finds that the objections have merit and that conduct improperly interfered with the results of the election, then the results of the election may be set aside and a new election ordered. In that event, the director in his or her discretion may retain the same period for determining eligibility to vote as in the election that was set aside, or may establish a new eligibility period for the new election.”

A copy of NMAC 11.21.2.34 is attached as Appendix B.

Further, paragraph 10 of the Consent Election Agreement (Appendix C) provides “A violation of this Consent Agreement is a basis for an objection and such a violation *may* cause the election to be rescheduled and/or the results to be invalidated.” (Emphasis added). The of the modal verb “may” is important to this investigation because it makes clear that not every violation of a Consent Election Agreement will result in rescheduling the election or invalidating its results. Whether the election will be rescheduled or invalidated depends upon the merits and materiality of the objection itself. With that background in mind, I turn my attention to the specifics of the Mr. Urbaniak’s objections:

1. **Mr. Urbaniak objects to the conduct the Decertification Election on the ground that the election supervisor did not “immediately” provide a copy of the ballot tally to the Petitioner.**

NMAC 11.21.2.31, attached as Appendix E, provides in part:

“Immediately following the counting of ballots, the election supervisor shall serve a tally of ballots upon one representative of each party.”

In this case the counting of ballots took place on January 12, 2024 (Appendix D) but the Petitioner, Mr. Urbaniak, did not receive the Election Results form until January 17, 2024. See e-mail message from Administrative Assistant Matt Huchmala to Mr. Urbaniak transmitting the Election Results dates January 17, 2024. (Appendix E). I note that January 12, 2024 was a Friday and that the ballots were counted between 10:30 and 11:30 a.m. (See Microsoft Outlook calendar screen shot and notice of election, Appendix F.) Staff forwarded the Election Results Form to the Election Supervisor and the Union’s Observer, Stephen Curtice via DocuSign the same day at 10:03 a.m. Pacific time, which is 11:03 Mountain Standard Time. The signed copy was returned to the PELRB staff on the same day at 10:43 a.m. Pacific time, which is 11:43 Mountain Standard Time. (Appendix G.)

The tally of ballots took place on a Friday following a Board meeting held on Tuesday, January 9, 2024. Fridays following regularly scheduled meetings are always the deadline for staff to complete drafting the meeting minutes, incorporating its members' and legal counsel's comments and corrections, as well as the deadline for finalizing its weekly Open Cases Report for posting on its website. The afternoon hours following the return of the signed Election Results Form were spent in complying with those deadlines. The following two days were not workdays for PELRB staff. Monday, the 15th of January was a national holiday, Dr. Martin Luther King Day, and was not a workday for staff. On Tuesday, January 16th staff was busy not only with the regular day-to-day business of the Board, particularly compounded by the weekend and holiday but also with a meeting with its CFO on its FY25 appropriations request, entering a Pre-Hearing Order and issuing subpoena requests for a Merits Hearing to be held the following week on January 23, 2024, in *UHPNM v. UNM-SRMC*; PELRB No. 107-23. The results form went out to the parties the next day on the 17th.

According to Black's Law Dictionary online, 2nd Edition, <https://thelawdictionary.org>:

“It is impossible to lay down any fixed rule as to what is the meaning of the word ‘immediately’ in all cases. The words ‘forthwith’ and ‘immediately’ have the same meaning. They are stronger than the expression ‘within a reasonable time’ and imply prompt, vigorous action, without any delay, and whether there has been such action is a question of fact, having regard to the circumstances of the particular case.” Cockburn, C. J., in *Reg. v. Justices of Berkshire*, 4 Q. B. Div. 471.”

Under the facts and circumstances as outlined above, staff took prompt and vigorous action, without any unreasonable delay, to get the Election Results Form to the Parties within one-and-a-half workdays after the election. That response is sufficient to comply with the requirements of NMAC 11.21.2.31 that the election supervisor is to “immediately” serve a

tally of ballots upon each party as the term “immediately” is generally understood in the law, and specifically in this context.

Further, because the question of whether the decertification election in this case should be rescheduled or invalidated depends upon the merits and materiality of the objection, there is nothing in the supposed “delay” in serving the completed Election Results Form that has any effect on the outcome of the election or Petitioner’s ability to have his objections considered. If the Election Supervisor had rejected Mr. Urbaniak’s Objections to the Election as untimely for not having been filed within five days of the *election*, an objection based on the date of *service* might have some meaning; but that is not the case. NMAC 11.21.2.34 (Appendix C) requires that a party may file objections “Within five days following *the service* of a tally of ballots.” The election supervisor has never taken the position that Mr. Urbaniak’s Objections to the Election are time barred for not having been filed within five days of the election, in which case an objection based on the date of service might have some meaning. Rather, staff has always considered the objections to have been timely filed because our rule plainly states that the objection deadline does not begin to run until the *service* of a tally of ballots. Because the timeliness of his objections has never been an issue, his not being served with a copy of the election results until January 17, 2024, is a “red herring”, signifying nothing of import.

More importantly, in order to be considered legitimate, Rule 11.21.2.34 requires that an objection must concern *conduct affecting the result of the election*. That Mr. Urbaniak did not receive a copy of the election results as soon as he might have preferred has nothing to do with the results of the election itself. As it is an objection to conduct after the election, it is not a proper objection under Rule 11.21.2.34. I consider this particular objection to be

vexatious and without good cause, interposed to bother and embarrass the Board staff or to cause legal expenses to the union. Therefore, I consider it to be without merit.

2. **Mr. Urbaniak objects to the conduct the Decertification Election on the ground that the tally of ballots provided to him is contradictory, indicating that “total ballots cast” were 46, but also that 46 votes were cast “against decertification,” that 15 were cast “for decertification,” and that six challenged ballots were cast, for a total of 67 votes cast--one more than the number of eligible voters.**

Mr. Urbaniak is correct that the copy of the “Results of Secret Ballot Election” report form sent to him contained errors rendering it contradictory. (Appendix H). Those contradictions were a scrivener’s error made after the original hand-written report form (Appendix I), completed during the ballot counting was “cleaned up” for signature by the election supervisor and observer for the Union. The correct numbers were reported during the ballot count, which Mr. Urbaniak did not attend.¹

After that error was called to Staff’s attention by Mr. Urbaniak’s objections, Staff corrected the error and re-submitted the form to the parties after obtaining new signatures. (Appendix J). The corrected form did not change the outcome of the election.

As with the prior objection concerning the date of service of the form, this objection does not concern conduct affecting the result of the election. That Mr. Urbaniak received an erroneous copy of the election results, an error that was later corrected and which did not affect the outcome of the election, does not state a legitimate objection under Rule

11.21.2.34. I also consider this particular objection to be vexatious and without good cause,

¹ The Consent Election Agreement signed by Mr. Urbaniak plainly states at Section D that “The Election Supervisor shall count the ballots during a videoconference beginning at 10:30 a.m. on January 12, 2024. A link to the videoconference shall be made available on the PELRB website so that the parties may observe the counting of the ballots.” That link was posted on the website as called for. With that notice, at least 14 people attended the Ballot Tally videoconference. Mr. Urbaniak did not contact Board Staff before or during the Ballot Tally by telephone or email to enquire about the link to the Ballot Tally.

interposed to bother and embarrass the Board staff or to cause legal expenses to the union.

Therefore, this objection is without merit.

3. **Mr. Urbaniak objects on the ground that on January 10, 2024, PELRB staff emailed an unknown number of bargaining unit employees and eligible voters, including at least David Kettenhofen, informing them that they would not be permitted to vote in the election because they had failed to request a link to vote electronically by December 27, 2023. Additionally, he objects that “PELRB staff did not indicate how many or which employees had previously been improperly informed by the PELRB that they would not be permitted to participate in the election.”**

There is no merit to this objection. Paragraph 4(B) of the consent election agreement provides:

“Bargaining unit employees wishing to participate in the election must request either an electronic ballot by providing an email address to which a link to the electronic ballot may be sent or a mailing address where a mail-in ballot can be sent via US Mail. Instructions on how to request each type of ballot shall be provided in the Notice described in Section 5, *infra*. Employees must request a mail-in ballot no later than the close of business on December 27, 2023 or provide an email address for an electronic ballot by the close of business on January 9, 2024. Mail-in ballots will be sent out on December 28, 2023. The PELRB will email a link to an electronic poll to employees who requested an electronic ballot on January 10, 2023 to the email address provided by the employee. In order to be counted, electronic ballots must be cast by 5:00 p.m. on January 11, 2024; mail-in ballots must be received by the Election Supervisor no later than 5:00 p.m. on January 11, 2024.”

The plain language of the Consent Election Agreement calls for two different deadlines depending on whether the employee wishes to cast a mail-in ballot or vote electronically.

Those voting by mail must have requested a mail-in ballot no later than the close of business on December 27, 2023. Those voting electronically must have provided an email address by close of business on January 9, 2024, to which address the link to the electronic ballot would be sent on January 10th.

Upon review, no record of any email from PELRB staff to bargaining unit employees on January 10 or at any other time prior, informing them that they would not be permitted to vote in the election because they had failed to request a link to vote electronically exists. Mr.

Urbaniak does not provide a copy of any such email to support his claim. This objection seems to rely on two false assertions: 1) Employee David Kettenhofen was an example of an employee told he would not be permitted to vote because he had failed to request a link to vote electronically by December 27, 2023. 2) In a letter to the parties via email on January 10, 2024, the Executive Director wrote that the Consent Election Agreement required that an employee would not be permitted to vote if that employee failed to request either a mail in ballot or a link to vote electronically by December 27, 2023.

A copy of the Director's January 10, 2024 letter, referred to by Mr. Urbaniak is attached as Appendix K. As the reader can see from that letter, the Executive Director plainly states that the deadline for electronic ballot requests was January 9, 2024 *not* December 27, 2023.

Mr. Urbaniak complained via email on January 10, 2024 of his imagined and inaccurate rendition of the Director's January 10 letter (Appendix K). A copy of that email is marked Appendix L. Included in Appendix L is my reply sent January 11 informing him that "The only excluded or refused ballots are those received after 5:00 p.m. on January 9. The December 27 deadline has nothing to do with the present issue or my letter." The "present issue" referred to in my reply refers to David Kettenhofen having been denied a ballot *not* because he made his request after December 27, 2023 as alleged in Mr. Urbaniak's objections, but because he did not appear on the agreed-upon eligible voter list. Mr. Kettenhofer was, in fact, on the eligible voter list and once that error was corrected, he was sent his electronic balloting information and allowed to vote as outlined below:

Election records show that David Kettenhofen requested an electronic ballot on December 28, 2023, well before the January 9, 2024 deadline and after the deadline for requesting a mailed ballot as shown on the list of ballot requests (Appendix M). Although initially told his name did not appear on the eligible voter list, that was an error immediately corrected. He

participated in the election casting his electronic ballot successfully. Appendix N.

Appendices M, N and O also demonstrate that *everyone* who timely requested to vote electronically was provided a link to the electronic ballot. That includes those employees who did not appear on the agreed-upon voter eligibility list but who made their requests within the required deadlines. Those employees were allowed to vote provisionally and their ballots segregated as “Challenged Ballots” reflected on the Election Results Form.

(Appendix O). The challenged ballots turned out to be immaterial to the outcome.

As a consequence, Mr. Urbaniak’s objection that “PELRB staff did indicate how many or which employees had previously been improperly informed by the PELRB that they would not be permitted to participate in the election” is nonsensical. Mr. Urbaniak does not cite any authority for the proposition that staff is required to provide that information (if it existed) and such a requirement would shift the burden of proving that objections have merit from the objector to staff having to prove the *absence* of grounds for an objection.

Be that as it may, because appendices M, N and O demonstrate that everyone who timely requested to vote electronically was provided a link to the electronic ballot, including those employees who did not appear on the agreed-upon voter eligibility list, and because Mr. Urbaniak either misunderstood or intentionally misrepresents Staff communications to the parties on January 10, there were no employees who “had previously been improperly informed by the PELRB that they would not be permitted to participate in the election” and so nothing to report even if a duty to report had existed.

It is important to note that the Director’s letter of January 10 was issued to the *parties*, not to bargaining unit employees so that even if it or the transmittal email had contained a misstatement of the CEA, that misstatement would have been communicated after both the

mailed and electronic balloting deadlines. Therefore, such an alleged misstatement, had it occurred, would have been immaterial.

Based on the foregoing, this objection is without merit. It does not concern conduct affecting the result of the election and so is not a legitimate objection under Rule 11.21.2.34.

I also consider this particular objection to be a vexatious figment of Mr. Urbaniak's imagination without good cause, interposed to bother and embarrass the Board staff or to cause legal expenses to the union.

4. **At paragraph 13 of his objections, Mr. Urbaniak asserts that the PELRB's initial denial of an unknown number of employees' right to participate in the election and a shortening of the established voting period for these employees improperly interfered with the results of the election, violated the consent election agreement, and interfered with employees' right to "form, join or assist a labor organization for the purpose of collective bargaining through representatives" of their own choosing and to "refuse those activities."**

For the reasons outlined above, this objection is without merit. No eligible voters were denied a ballot. The established voting period was not shortened. Mr. Urbaniak has not established any interference with the results of the election or violation of the Consent Election Agreement, nor has he demonstrated any interference with any employee's right to vote in this election. He has not identified a single eligible voter who was not permitted to cast a ballot.

4. **Mr. Urbaniak objects on the ground that electioneering prohibited by NMAC 11.21.2.28 took place within 50 feet of the rooms in which balloting took place.**

The basis for this objection is that "during the voting period" former Grant County Sheriff Frank Gomez actively campaigned against decertification, falsely telling employees at the airport they would immediately lose their county provided health insurance benefits were the union to be decertified. As part of this objection, Urbaniak posits that because the election was conducted electronically during working hours on January 9-10, 2024, with employees

voting on computers and mobile devices, no electioneering should have taken place on any County facilities during that two-day period. Giving Mr. Urbaniak the benefit of the doubt, the voting period would not have been January 9-10, 2024, but January 10, 2024, when the PELRB emailed the link to an electronic poll, through 5:00 p.m. on January 11, 2024, the deadline by which a ballot must be cast in order to be counted.

In a telephonic interview of Mr. Urbaniak on January 23, 2024 he re-iterated that he considered any County facility to be a polling area during the time balloting was taking place because employees could be voting from laptops, phones or tablets while present on such property during work hours. In that interview Mr. Urbaniak acknowledged that he had no information concerning who, if anybody, voted while present on County property or when such votes may have been cast. Since he does not know who voted from a County facility generally or the airport facility specifically, where the alleged anti-decertification statements were made, or when such votes may have been cast, a logical inference may be drawn that he has no knowledge whether comments by former Grant County Sheriff Frank Gomez were made while ballots were being cast. He had no direct information that Mr. Gomez even made such comments, not having heard them himself. His allegations that Mr. Gomez “campaigned” against decertification is based on second-hand, unsworn and uncorroborated hearsay.

Of the four airport employees, only two were eligible to vote: Mike Davila and Carlos Grado. Both were interviewed and both denied that Frank Gomez spoke to them about anything, much less the decertification election. Neither of them had heard of Frank Gomez speaking to any County employees about the election and both said that they did not see Mr. Gomez on any County property since his leaving office as County Sheriff more than a year prior to the election.

As part of the investigation, I interviewed Frank Gomez by telephone, and he denied having told employees at the airport or any County employee at any County facility that they would lose their County provided health insurance benefits if the union were to be decertified. He stated that he had not been present at any County facility since leaving office more than a year before the election.

To make sure that staff had interviewed the correct employees at the airport, based on the employee list provided by Grant County as part of the election proceeding, Staff contacted Mr. Urbaniak by email on January 29, 2024, requesting the names of the employees at the airport he alleged heard Mr. Gomez campaign against decertification. (Appendix P). He did not respond to that email. To follow-up, Staff called Mr. Urbaniak on the telephone on February 12, 2024, to ask him to identify the employees he was referring to in paragraph 17 of his objections. Mr. Urbaniak refused to identify those employees. See Interoffice Memorandum from Matt Huchmala to Thomas Griego dated February 12, 2024 attached to this report as Appendix Q.

This Board need not decide the dubious argument that any County facility is a polling area during the time balloting was taking place because employees could be voting from laptops, phones or tablets while present on such property during work hours to find that this objection has no merit because, after investigation, I could find no independent support for the allegation that Frank Gomez engaged in electioneering prohibited by NMAC 11.21.2.28. The allegation is based on second-hand hearsay directly refuted by Mr. Gomez himself. Witnesses supposedly present do not corroborate Mr. Urbaniak and when asked to do so, he refused to provide additional witness identification. There is no evidence other than Mr. Urbaniak's uncorroborated assertion that the statement he claims constitute electioneering took place in temporal or physical proximity to the balloting. Of the employee's eligible to

vote, one did and one did not. Since both deny Frank Gomez spoke to them about decertification it cannot be reasonably concluded that he interfered in the election results. In any event the two votes at issue are immaterial given the 17-vote margin needed to affect the outcome of the election.

For all of the above reasons I conclude that electioneering prohibited by NMAC 11.21.2.28 did not take place within 50 feet of rooms in which balloting took place as alleged by Mr. Urbaniak. His objection is without merit.

REPORT SUMMARY. Most of Mr. Urbaniak’s “objections” are not legitimate in that they do not concern conduct affecting the result of the election as required by Rule 11.21.2.34. Those that arguably would affect the outcome of the election are:

1. On January 10, 2024, PELRB staff emailed an unknown number of bargaining unit employees and eligible voters, informing them that they would not be permitted to vote in the election because they had failed to request a link to vote electronically by December 27, 2023. By doing so, the PELRB violated protected rights under the PEBA.
2. Electioneering prohibited by NMAC 11.21.2.28 took place within 50 feet of rooms in which balloting took place.

NMAC 11.21.2.34 provides that a party may file objections to conduct affecting the result of the election by setting forth all grounds for the objection *with supporting facts*. The facts do not support Mr. Urbaniak’s objections. No reasonable person would conclude that based on these facts, the objections have any merit and that conduct improperly interfered with the results of the election. Therefore, the results of the election should stand and no new election should be ordered.

CONCLUSION: For the foregoing reasons, Mr. Urbaniak's objections to the election outcome should be DISMISSED, and the Board should issue findings of fact in accordance with this report and affirm the election results.

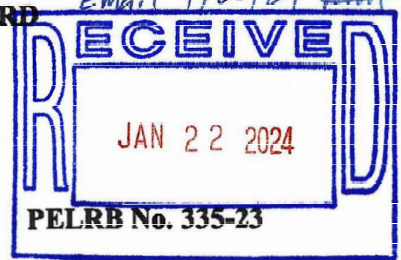
Issued, Friday, February 16, 2024.



Thomas J. Griego
Executive Director
Public Employee Labor Relations Board
2929 Coors Blvd. N.W., Suite 303
Albuquerque, New Mexico 87120

IN THE MATTER BEFORE THE STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Email 1/20/24 AAAA



JOSEPH URBANIAK,

Petitioner,

and

AFSCME, COUNCIL 18,

Respondent.

PETITIONER'S ELECTION OBJECTIONS

1. Sec. 11.21.2.34 NMAC provides,

“Within five days following the service of a tally of ballots... a party may file objections to conduct affecting the determination of majority support without an election of [sic] the result of the election. Objections shall set forth all grounds for the objection with supporting facts and shall be served on all parties to the proceeding... If the director, hearing examiner or board finds that the objections have merit and that conduct improperly interfered with the results of the election, then the results of the election may be set aside and a new election ordered.”

2. Further, paragraph 10 of the consent election agreement provides that, “A violation of this Consent Agreement is a basis for an objection and such a violation may cause the election to be rescheduled and/or the results to be invalidated.”
3. The tally of ballots in this matter was prepared by the director and dated January 12, 2024, though it was not served upon the petitioner until January 17, 2024.
4. Regardless of whether petitioner’s five-day period to file election objections is tolled from January 12 or 17, the petitioner’s instant election objections are timely submitted under PELRB rules governing computation of time set forth in Sec. 11.21.1.8 NMAC.
5. Paragraph 8(D) of the consent election agreement in this case provides:

“Immediately following the counting of ballots as described in Section 6, supra, the Election Supervisor shall provide a tally of ballots upon to both parties. The tally shall show the number of votes cast for decertification of the labor

organization, the number of votes cast against decertification of the labor organization, the number of challenged ballots, and the percentage of employees in the unit who cast ballots. The tally shall also state whether the results are conclusive and, if so, what the conclusive vote is.”

6. Although the counting of ballots took place on January 12, 2024, the tally of ballots was not “immediately” provided to the petitioner. Petitioner did not receive tally of ballots until January 17, 2024.
7. The tally of ballots provided to the petitioner is contradictory, indicating that “total ballots cast” were 46, but also that 46 votes were cast “against decertification,” that 15 were cast “for decertification,” and that six challenged ballots were cast, for a total of 67 votes cast—one more than the number of eligible voters.
8. Paragraph 4(B) of the consent election agreement provides,

“Bargaining unit employees wishing to participate in the election must request either an electronic ballot by providing an email address to which a link to the electronic ballot may be sent or a mailing address where a mail-in ballot can be sent via US Mail... Employees must request a mail-in ballot no later than the close of business on December 27, 2023 or provide an email address for an electronic ballot by the close of business on January 9, 2024. Mail-in ballots will be sent out on December 28, 2023. The PELRB will email a link to an electronic poll to employees who requested an electronic ballot on January 10, 2023 [2024] to the email address provided by the employee. In order to be counted, electronic ballots must be cast by 5:00 p.m. on January 11, 2024; mail in ballots must be received by the Election Supervisor no later than 5:00 p.m. on January 11, 2024.”

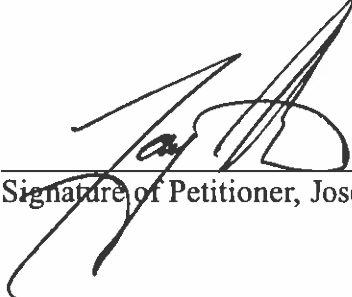
(Emphasis added)

9. However, on January 10, 2024, PELRB staff emailed an unknown number of bargaining unit employees and eligible voters, including at least David Kettenhofen, informing them that they would not be permitted to vote in the election because they had failed to request a link to vote electronically by December 27, 2023.
10. In a letter distributed to the parties via email later in the day on January 10, 2024, the executive director wrote that the consent election agreement, “calls for requests for

electronic or mail-in ballots to be received no later than the close of business on December 27, 2023” and stated that employees who requested to participate in the election electronically after December 27, 2023, “will not be provided a link for electronic voting.”

11. In an email responding to the executive director’s letter, petitioner pointed out that, in fact, the terms of the consent election agreement permitted requests to participate in the election electronically to be submitted as late as 5 p.m. on January 9, 2024, and requested a list of all bargaining unit employees who had submitted requests to participate in the election electronically after December 27, 2023.
12. Minutes before the close of business on January 10, 2024—the first day of the two-day voting period—PELRB staff informed the parties that, “Everyone who requested a ballot by 5:00 p.m. on January 9, 2023 has been sent a link to vote.” PELRB staff did indicate how many or which employees had previously been improperly informed by the PELRB that they would not be permitted to participate in the election.
13. The PELRB’s initial denial of an unknown number of employees’ right to participate in the election and a shortening of the established voting period for these employees improperly interfered with the results of the election, violated the consent election agreement, and interfered with employees’ right to “form, join or assist a labor organization for the purpose of collective bargaining through representatives” of their own choosing and to “refuse those activities.” 10-7E-5(A) NMSA.
14. Sec. 11.21.2.28 NMAC provides that, “No electioneering shall be permitted within 50 feet of any room in which balloting is taking place.”

15. Similarly, paragraph 8(B) of the consent election agreement provided, “No electioneering shall be permitted within 50 feet of any room in which balloting is taking place.”
16. As the election was conducted electronically during working hours on January 9-10, 2024, with employees voting on computers and mobile devices, no electioneering should have taken place on county facilities during the voting period.
17. However, via in-person conversations with bargaining unit members during the voting period, former Grant County Sherriff Frank Gomez actively campaigned against decertification, falsely telling employees they would immediately lose their county-provided health insurance benefits were the union to be decertified.
18. Such electioneering improperly interfered with the results of the election, violated the consent election agreement, and interfered with employees’ right to “form, join or assist a labor organization for the purpose of collective bargaining through representatives” of their own choosing and to “refuse those activities.” 10-7E-5(A) NMSA.
19. In light of the foregoing, petitioner respectfully requests that the PELRB set aside the results of the election and order a new election, as provided for in Sec. 11.21.2.34 NMAC.



Signature of Petitioner, Joseph Urbaniak

1-22-24

Date

**STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD**

In re:

JOSEPH URBANIAK,

Petitioner,

v.

PELRB No. 335-23

AFSCME, Council 18,

Respondent.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of petitioner's election objections was served on the following parties via e-mail and U.S. mail on or about January 22, 2024:

Stephen Curtice
Counsel, AFSCME Council 18
900 Gold Avenue SW
Albuquerque, NM 87102
(505) 244-1200
stephen@youtzvaldez.com

Dina Holcomb
Counsel, Grant County
3301-R Coors Blvd NW, #301
Albuquerque, NM 87120
(505) 831-0440
dholcomb@holcomblawoffice.com



JOSEPH URBANIAK

TITLE 11 LABOR AND WORKERS COMPENSATION
CHAPTER 21 LABOR UNIONS/LABOR RELATIONS
PART 2 REPRESENTATION PROCEEDINGS

11.21.2.1 ISSUING AGENCY: Public Employee Labor Relations Board, 2929 Coors NW, Suite #303, Albuquerque, NM, 87120, (505) 831-5422.
[11.21.2.1 NMAC - N, 3/15/2004]

11.21.2.2 SCOPE: The scope of Part 2 of Chapter 21 applies to public employers, public employees and labor organizations as defined by the Public Employee Bargaining Act (Sections 10-7E-1 to 10-7E-26 NMSA 1978).
[11.21.2.2 NMAC - N, 3/15/2004]

11.21.2.3 STATUTORY AUTHORITY: Authority for Part 1 of Chapter 21 is the Public Employee Labor Relations Act, Sections 1 through 26 (10-7E-1 to 10-7E-26 NMSA 1978).
[11.21.2.3 NMAC - N, 3/15/2004]

11.21.2.4 DURATION: Permanent.
[11.21.2.4 NMAC - N, 3/15/2004]

11.21.2.5 EFFECTIVE DATE: March 15, 2004, unless otherwise cited at the end of the section.
[11.21.2.5 NMAC - N, 3/15/2004]

11.21.2.6 OBJECTIVE: The objective of Part 2 of Chapter 21 is to establish a standard for uniform petition filings in an easily understood form in which all pertinent information is given to the public employee labor relations board to determine an appropriate bargaining unit.
[11.21.2.6 NMAC - N, 3/15/2004]

11.21.2.7 DEFINITIONS: [RESERVED]
[11.21.2.7 NMAC - N, 3/15/2004]

11.21.2.8 COMMENCEMENT OF CASE: A representation case is commenced by filing a representation petition with the director on a form prescribed by the director. The form shall include, at a minimum, the following information: the petitioner's name, address, phone number, state or national affiliation, if any, and representative, if any; the name, address and phone number of the public employer or public employers whose employees are affected by the petition; a description of the proposed appropriate bargaining unit and any existing recognized or certified bargaining unit; the geographic work locations, occupational groups, and estimated numbers of employees in the proposed unit and any existing bargaining unit; a statement of whether or not there is a collective bargaining agreement in effect covering any of the employees in the proposed or any existing bargaining unit and, if so, the name, address and phone number of the labor organization that is party to such agreement; and a statement of what action the petition is requesting. A petition for certification or decertification must be supported by at least a thirty percent showing of interest as described in 11.21.2.11 NMAC. A petition shall contain a signed declaration by the person filing the petition that its contents are true and correct to the best of his or her knowledge and, in the case of a decertification petition that the filer is a member of the labor organization to whom the decertification petition applies.
[11.21.2.8 NMAC - N, 3/15/2004; A, 2/28/2005; A, 6/14/2013; A, 7/1/2020; A, 7/26/2022]

11.21.2.9 SERVICE OF PETITION: Upon filing a petition, the petitioner shall serve it upon the employer and any incumbent labor organization. Within 10 days of the filing of a petition, the director shall cause notice of the filing of the petition to be sent to any other interested party.
[11.21.2.9 NMAC - N, 3/15/2004]

11.21.2.10 FILING OF COLLECTIVE BARGAINING AGREEMENT: Along with a representation petition, the petitioner shall file with the director a copy of any collective bargaining agreement, then in effect or recently expired, covering any of the employees in the petitioned-for unit.
[11.21.2.10 NMAC - N, 3/15/2004]

11.21.2.11 SHOWING OF INTEREST: With the petition and at the same time the petition is filed, the petitioner shall deposit with the director a showing of interest consisting of signed, dated statements, which may be in the form of cards or a petition, by at least thirty percent of the employees in the proposed unit stating, in the case of a petition for certification, that each such employee wishes to be represented for the purposes of collective bargaining by the petitioning labor organization, and, in the case of a petition for a decertification election, that each such employee wishes a decertification election. Electronic signatures shall meet the requirements of the Uniform Electronic Transactions Act (Chapter 14, Article 16 NMSA 1978). Each signature shall be separately dated. Signatures dated more than one year prior to the filing of the petition not be considered when determining the sufficiency of a showing of interest or a determination of majority support, except for good cause shown. So long as it meets the above requirements, a showing of interest may be in the form of signature cards or a petition or other writing, or a combination of written forms and shall be presumed valid unless contradicted by the submission of clear and convincing evidence that they were obtained by fraud, forgery or coercion. No showing of interest need be filed in support of a petition for amendment of certification or unit clarification.
[11.21.2.11 NMAC - N, 3/15/2004; A, 7/26/2022]

11.21.2.12 INFORMATION REQUESTED OF PARTIES:

A. Within 10 days of the filing of a representation petition, the director shall by letter request of any party that appears to have an interest in the proceeding, including any public employees involved and any incumbent labor organizations, its position with respect to the appropriateness of the bargaining unit petitioned for; a statement of any issues of unit inclusion or exclusion that the party believes may be in dispute, and any other issue that could affect the outcome of the proceeding.

B. From any public employer involved, the director, within 10 days of the filing of a representation petition, shall also request a list of the employees holding positions in the petitioned-for unit or the unit to be decertified, based on the payroll period that ended immediately preceding the filing of the petition which contains the information described in Subsection A of Section 14 of the Act. The public-employer shall be instructed to file such a list within 10 days of the director's request. The board shall make the list available to the parties. If the petitioned-for unit is altered as a result of a hearing conducted pursuant to Section 13 of the Act, or by agreement of the parties, the employer shall provide an updated list of employees that were in the appropriate unit based on the payroll period that ended immediately preceding the filing of the petition no more than 10 days after receiving notice from the director of the changes to the petitioned-for unit.
[11.21.2.12 NMAC - N, 3/15/2004; A, 2/28/2005; A, 7/26/2022]

11.21.2.13 INITIAL INVESTIGATION OF PETITION: After a petition has been filed, the director shall investigate the petition. The investigation shall include the following steps and shall be completed within 30 days of the filing of the petition.

A. The director shall determine the facial validity of the petition, including the facial appropriateness of the petitioned-for unit and may request the petitioner to amend a facially inappropriate petition. In the absence of an appropriate amendment, the director shall dismiss a petition asking for a certification of, or a clarification that would result in, a facially inappropriate unit, or that is otherwise facially improper, in which case he shall explain his reasons in writing.

B. The director shall determine whether there are significant issues of unit scope, unit inclusion or exclusion, labor organization or public employer status; a bar to the processing of the petition; or other matters that could affect the proceedings. The director shall make the determination pursuant to the provisions of Subsection C of Section 10-7E-13 and Section 10-7E-24 NMSA 1978, of the Public Employee Bargaining Act.

C. The director shall check the showing of interest (if applicable) against the list of employees in the proposed unit filed by the public employer pursuant to Subsection B of 11.21.2.12 NMAC, to determine whether the showing of interest has been signed and dated by a sufficient number of employees and that the signatures are sufficiently current. If signatures submitted for a showing of interest meet the requirements set forth Section 11 of these rules, they shall be presumed valid unless the director is presented with clear and convincing evidence that they were obtained by fraud, forgery or coercion. In the event that evidence of such fraud, forgery or coercion is presented to the director, the director shall investigate the allegations as expeditiously as possible and shall keep the showing of interest confidential during the investigation. The director shall dismiss any petition supported by an improper or insufficient showing of interest, consistent with Section 23 (opportunity to present additional showing) and shall explain in writing the basis of the dismissal. The director's determination as to the sufficiency of a showing of interest is an administrative matter solely within the director's authority and shall not be subject to questions or review.

[11.21.2.13 NMAC - N, 3/15/2004; A, 2/28/2005; A, 7/26/2022]

11.21.2.14 SETTLEMENT/STIPULATION OF UNIT ISSUES: If the director finds that there are significant issues affecting the proceeding that are or may be in dispute, the director shall confer with all parties to attempt to resolve the issues and to enter into a written stipulation stating the agreement. Any such stipulation shall be subject to approval of the board upon review, which may be requested by the board or sought by the director.
[11.21.2.14 NMAC - N, 3/15/2004]

11.21.2.15 NOTICE OF FILING OF PETITION: Unless the director has determined that there is need for a representation hearing pursuant to Section 19, then within 30 days of receipt of a petition, the director shall issue a notice stating that the petition has been filed, naming the petitioner, stating the unit petitioned-for, and stating the procedures for intervention as set forth in Section 16, below, including the date by which an intervenor must file its petition and showing of interest. The director shall issue sufficient copies of the notice to each employer involved, and each such employer shall post such copies in places where notices to employees are normally posted. The notices shall remain posted continuously for at least five days.
[11.21.2.15 NMAC - N, 3/15/2004]

11.21.2.16 INTERVENTION:

A. At any time within 10 days after the employer's posting of the notice of filing of petition, a labor organization other than the petitioner may file with the director an intervenor's petition seeking to represent some or all of the employees in the petitioned-for unit. The intervenor's petition shall contain the same information set forth in Section 8 above.

B. The intervenor's petition shall be accompanied by a showing of interest showing that at least thirty percent of the employees in the petitioned-for unit wish to be represented by the intervenor for purposes of collective bargaining. The showing of interest shall otherwise meet the requirements set forth in Section 11, above.

C. An intervenor that has presented a sufficient showing of interest in the unit found to be appropriate shall be placed on the ballot and shall be considered a party to the proceeding.

D. Upon application, an incumbent labor organization shall have automatic intervenor status if it is not the petitioner, pursuant to the provisions of Subsection B of Section 10-7E-24 NMSA 1978, of the Public Employee Bargaining Act.

[11.21.2.16 NMAC - N, 3/15/2004]

11.21.2.17 CONSENT ELECTION: Where the parties are in agreement on all issues required to be resolved in order to proceed to an election, and the director is satisfied that the issues are so resolved, including unit scope, the director shall draw up a consent election agreement to be signed by all parties and by the director. Consent election agreements are subject to board review and may be set aside by the board on its own initiative. If a consent election agreement is not set aside at the board's next regular meeting or the following regular meeting, the director shall proceed to an election on the basis of the agreement.
[11.21.2.17 NMAC - N, 3/15/2004; A, 2/28/2005]

11.21.2.18 INVESTIGATION, REPORT, NOTICE OF HEARING:

A. In the absence of a consent election agreement, the director shall investigate the outstanding issues and shall issue and serve a report and direction of election, a report and dismissal of petition, or a notice of hearing within 45 days of the posting of the notice of filing of petition. If there is a dispute between the parties regarding unit composition, or the director is satisfied that the issues can best be resolved in a hearing, the director shall issue and serve a notice of hearing without first conducting a further investigation. A hearing concerning unit composition, where the parties are in dispute on that issue, shall be set for a date not later than 30 days following the director's notice of hearing or the director's receipt of notice of the dispute, whichever is sooner.

B. A report and direction of election or a report and dismissal of petition shall be subject to board review under the procedures set forth in Section 22 below. The issuance of a notice of hearing shall not be subject to board review.

[11.21.2.18 NMAC - N, 3/15/2004]

11.21.2.19 REPRESENTATION HEARING:

A. In the absence of a consent election agreement, and where there are significant unit issues that, in the director's view, should be resolved in a hearing, the director shall issue a notice of hearing.

B. Except in cases where the board appoints the hearing examiner, the director shall appoint the hearing examiner, and may appoint himself or herself to serve as hearing examiner.

C. The hearing examiner shall take evidence sufficient to make a full and complete record on all unresolved unit issues and any other issues necessary to process the petition. Details such as the time, date and place of the election, and whether there will be manual or mail ballots or a combination, shall not be resolved through the hearing process, but shall be resolved instead through the pre-election conference process described in Section 25.

D. The hearing examiner may examine witnesses, call witnesses, and call for introduction of documents.

[11.21.2.19 NMAC - N, 3/15/2004]

11.21.2.20 BRIEFS: If any party requests permission to file a post-hearing brief, the hearing examiner shall permit all parties to file briefs and shall set a time, for the filing of briefs which normally shall be no longer than 10 days following the close of the hearing. Briefs shall be filed with the director and copies shall be served on all parties.

[11.21.2.20 NMAC - N, 3/15/2004]

11.21.2.21 HEARING EXAMINER REPORTS: The hearing examiner shall issue his or her report following the close of the hearing. Except in extraordinary circumstances, which shall be set forth in the report, the report shall be issued no longer than 15 days following the close of the hearing or the submission of post-hearing briefs, whichever is later. The report shall make findings of fact, conclusions of law, and recommendations for the determination of issues, and shall adequately explain the hearing examiner's reasoning. The hearing examiner shall serve the report on all parties and the board.

[11.21.2.21 NMAC - N, 3/15/2004]

11.21.2.22 BOARD REVIEW OF HEARING EXAMINER REPORTS AND DIRECTOR DECISIONS:

A. Within 10 days after service of the hearing examiner's report, or, in a case where no hearing has been held, within 10 days after the issuance of a director's decision, any party may file a request for board review of the hearing examiner's or the director's recommended disposition. The request for review shall state the specific portion of the hearing examiner's or director's recommended disposition to which exception is taken and the factual and legal basis for such exception. The request may not rely on any evidence not presented to the hearing examiner or director. The request must be served on all other parties.

B. Within 10 days after service of a request for review, any other party may file and serve on all parties a response to the request for review.

C. Whether or not a party has filed a request for review, the board, within 60 days, shall review any recommended disposition regarding the scope of a bargaining unit made by the director or a hearing examiner. In addition, the board shall review any other issue properly raised by a party in a request for review. The board shall conduct its review on the basis of the existing record and may, in its discretion, hear oral argument.

D. Within 60 days following review, the board shall issue its decision ordering an election, dismissing the petition, setting a further hearing, or otherwise disposing of the case. The board may adopt or incorporate in and attach to its decision all or any portion of the hearing examiner's report or director's decision.

[11.21.2.22 NMAC - N, 3/15/2004]

11.21.2.23 OPPORTUNITY TO PRESENT FURTHER SHOWING OF INTEREST:

A. When the director finds that the petitioner or an intervenor has submitted an insufficient showing of interest in the unit petitioned for, the director shall notify the petitioner or intervenor, and that party shall have the opportunity to submit an additional showing of interest. The director shall then review the additional showing of interest to determine whether the total showing of interest submitted by the party is sufficient to sustain its petition or intervention.

B. In the event that the director, hearing examiner or board determines that a unit other than the unit petitioned for is appropriate and it appears to the board or director that the showing of interest filed by the petitioner or an intervenor is insufficient in the unit found appropriate the director shall notify the petitioner or intervenor and give such party a reasonable amount of time in which to file an additional showing. If the party fails to file a sufficient showing within that time, the director shall dismiss the petition or deny intervenor status.

[11.21.2.23 NMAC - N, 3/15/2004; A, 2/11/2020]

11.21.2.24 ELIGIBILITY TO VOTE:

A. Employees in the bargaining unit shall be eligible to vote in the election if they were employed during the last payroll period preceding date of the consent election agreement or the direction of election issued by the director or the board, and are still employed in the unit on the date of the election.

B. Employees in the bargaining unit who are eligible to vote but who will be absent on the day of voting because of hospitalization, temporary assignment away from normal post of duty, leave of absence, vacation at a location more than 50 miles distant from the polling place, or other legitimate cause, may request an absentee ballot from the director. Except for good cause shown, such a request must be received by the director at least 10 days before the election, in which case the director, after preliminarily determining the employee's eligibility to vote, shall provide the employee with a ballot to be submitted to the director by mail. To be counted, an absentee ballot must be received by the director at least one day before the ballot count. The director shall establish procedures to permit an absentee ballot to be challenged, as provided in Section 30, below.

C. The employer or employer's whose employees comprise the bargaining unit shall submit to the director and to all other parties a list of all employees eligible to vote in the election no later than 10 days before the commencement of the election balloting. Employees whose names do not appear on the list but who believe they are eligible to vote may cast ballots through the challenged ballot procedure set forth in Section 30, below.
[11.21.2.24 NMAC - N, 3/15/2004; A, 2/28/2005]

11.21.2.25 PRE-ELECTION CONFERENCE: At a reasonable time at least 15 days before the election, the director shall conduct a pre-election conference with all parties to resolve such details as the polling location(s), the use of manual, electronic, or mail ballots the hours of voting, the number of observers permitted, and the time and place for counting the ballots. The director shall notify all parties by mail (and email if available) of the time and place of the pre-election conference, at least five days in advance of the conference. The conference may proceed in the absence of any party.

A. The director will attempt to achieve agreement of all parties on the election details, but in the absence of agreement, shall determine the details. In deciding the polling location(s) and the use of manual, mail or electronic participation in the election by employees in the bargaining unit there shall be a strong preference for on-site balloting.

B. The parties may stipulate to a consent election agreement without the necessity of a pre-election conference subject to approval of its terms by the director, in which case the requirement for a pre-election conference shall be waived.

[11.21.2.25 NMAC - N, 3/15/2004; A, 2/28/2005; A, 2/11/2020; A, 7/1/2020]

11.21.2.26 NOTICE OF ELECTION:

A. The director shall issue and serve on the parties a notice of election setting forth all of the details of the election, as described in Section 25 above, no later than 10 days before the election. The notice of election shall also describe the bargaining unit whose members are eligible to vote and shall describe the challenged ballot procedure. The notice shall include a sample ballot.

B. The director shall provide a sufficient number of copies of the notice of election to each employer whose employees are eligible to vote so that the employer may post a notice of election in all lounges or common areas frequented by unit employees and in all places where notices to employees are commonly posted. The employer shall post the notices in all such areas at least 10 days before the election and shall take reasonable measure to assure that they are not removed, covered, altered or defaced.

[11.21.2.26 NMAC - N, 3/15/2004]

11.21.2.27 BALLOTS AND VOTING:

A. All voting shall be by secret ballot prepared by the director, position on the ballot shall be determined randomly. Ballots in an initial election shall include a choice of "no representation."

B. All elections shall be conducted by the director, whether electronically, by mail in ballots or on-site elections, subject to the provisions of 11.21.1.28 NMAC regarding the director's authority to delegate duties.

C. Any voter who arrives at a polling area before the polls close will be permitted to vote.

D. Public employers whose employees are eligible to vote in an election shall allow their employees in the voting unit sufficient time away from their duties to cast their ballots and shall allow their employees who have been selected as election observers sufficient time away from their duties to serve as observers. This rule does

not impose on public employers an obligation to change the work schedules of employees to accommodate voting hours.

[11.21.2.27 NMAC - N, 3/15/2004; A, 2/11/2020; A, 7/1/2020]

11.21.2.28 ELECTIONEERING: No electioneering shall be permitted within 50 feet of any room in which balloting is taking place.

[11.21.2.28 NMAC - N, 3/15/2004]

11.21.2.29 OBSERVERS: Each party shall be entitled to an equal number of observers to observe and assist in each polling area, and to witness the counting of ballots. The director has complete discretion to determine the number of observers. Observers shall not be supervisory or managerial employees or labor organization employees. However, representatives of the parties in addition to the observers may observe the counting of ballots.

[11.21.2.29 NMAC - N, 3/15/2004]

11.21.2.30 CHALLENGED BALLOTS:

A. Any party to an election, through its observer, or the election supervisor, may challenge the eligibility to vote of any person who presents himself or herself at the polls, and shall state the reason for the challenge. The director shall challenge any voter whose name does not appear on the list of employees eligible to vote.

B. The director shall furnish “challenge envelopes.” On the outside of each challenge envelope, the director shall write the name and job classification of the challenged voter, the name of the party making the challenge, and the reason for the challenge.

C. Following the voting and before the votes are counted, the director shall attempt to resolve the eligibility of challenged voters by agreement of the parties. The ballots of challenged voters who are agreed eligible shall be mixed with the other ballots and counted.

D. Challenged ballot envelopes containing unresolved challenged ballots shall not be opened and the challenges shall not be investigated unless, after the other ballots are counted, the challenged ballots could be determinative of the outcome of the election.

E. If the challenged ballots could be determinative of the outcome of the election, the director shall declare the vote inconclusive; shall, as soon as possible, investigate the challenged ballots to determine voter eligibility; and shall issue a report thereon or a notice of hearing within 15 days of the election. Any party may request board review of the director’s report, following the procedures set forth in Section 22 above.

F. Following resolution of determinative challenged ballots, the director shall count the ballot of voters found to be eligible, adding the results of the earlier count and issuing a revised tally of ballots.

[11.21.2.30 NMAC - N, 3/15/2004; A, 2/11/2020]

11.21.2.31 TALLY OF BALLOTS: Immediately following the counting of ballots, the election supervisor shall serve a tally of ballots upon one representative of each party. The tally shall show the number of votes cast for each labor organization listed on the ballot, the number of votes cast for no representation, the number challenged ballots, and the percentage of employees in the unit who cast ballots. The tally shall also state whether the results are conclusive, and, if so, what the conclusive vote is. If the tally shows that fewer than forty percent of the employees in the unit voted, or that the choice of “no representation” received fifty percent or more of the valid votes cast, then the tally shall reflect that no collective bargaining representation was selected.

[11.21.2.31 NMAC - N, 3/15/2004; A, 2/11/2020]

11.21.2.32 RUN-OFF ELECTIONS: In an election where there are three or more choices on the ballot, if no ballot choice receives a majority of the valid votes cast, and at least forty percent of eligible voters voted, the director shall set a run-off election in which voters will be permitted to cast ballots for the two choices that received the highest number of votes. A new tally shall be issued and served following the counting of the votes of a run-off election. A run-off election must be conducted within the 15 day statutory period following completion of the initial election.

[11.21.2.32 NMAC - N, 3/15/2004]

11.21.2.33 CERTIFICATION:

A. If, after all issues concerning representation have been resolved, and the expiration of the intervention period described in Section 16, above, only one labor organization is seeking to represent the

appropriate bargaining unit, the director shall compare the showing of interest with the employee list provided by the employer pursuant to Subsection B of Section 12 above, and determine whether the petitioning labor organization has demonstrated majority support. In cases where the showing of interest demonstrates majority support the director shall issue a certificate showing the name of the labor organization selected as the exclusive representative and setting forth the bargaining unit it represents as well as the numerical basis for the determination. In cases where more than one labor organization seeks to represent the unit, or has intervened pursuant to Section 16, above, or where the showing of interest does not demonstrate majority support, the director shall proceed with an election as described in these rules.

B. In cases where an election is conducted, if no objections are filed pursuant to Section 34, below, then the director shall issue as may be appropriate either a certificate showing the name of the labor organization selected as the exclusive representative and setting forth the bargaining unit it represents, or a certification of results, showing that no labor organization was selected as bargaining representative. The results of each election shall be reviewed by the board and appropriate action taken at the next regularly scheduled meeting of the board after the objection period following the election.

[11.21.2.33 NMAC - N, 3/15/2004; A, 2/11/2020; A, 7/26/2022]

11.21.2.34 OBJECTIONS: Within five days following the service of a tally of ballots or the issuance of a certification pursuant to Subsection A of Section 33 above, a party may file objections to conduct affecting the determination of majority support without an election of the result of the election. Objections shall set forth all grounds for the objection with supporting facts and shall be served on all parties to the proceeding. The director shall, within 30 days of the filing of such objections, investigate the objections and issue a report thereon.

Alternatively, the director may schedule a hearing on the objections within 30 days of the filing of the objections. A determination to hold a hearing is not reviewable by the board and shall follow the same procedures set forth in Subsections B, C and D of Section 19, Section 20 and Section 21 above. A party adversely affected by the director's or hearing examiner's report may file a request for review with the board under the same procedures set forth in Section 22, above. If the director, hearing examiner or board finds that the objections have merit and that conduct improperly interfered with the results of the election, then the results of the election may be set aside and a new election ordered. In that event, the director in his or her discretion may retain the same period for determining eligibility to vote as in the election that was set aside, or may establish a new eligibility period for the new election.

[11.21.2.34 NMAC - N, 3/15/2004; A, 7/26/2022]

11.21.2.35 AMENDMENT OF CERTIFICATION: A petition for amendment of certification may be filed at any time by an exclusive representative or an employer to reflect such a change as a change in the name of the exclusive representative or of the employer, or a change in the affiliation of the labor organization. The director shall dismiss such a petition within 30 days of its filing if the director determines that it raises a question concerning representation and the petitioner may proceed otherwise under these rules. If the director finds sufficient facts to show that the amendment should be made, after giving all parties notice and an opportunity to submit their views, the director shall issue an amendment of certification within 30 days of the filing of the petition. The director's decision dismissing the petition or issuance of amended certification may be appealed to the board pursuant to the procedures set out in Section 22, above.

[11.21.2.35 NMAC - N, 3/15/2004; A, 2/28/2005]

11.21.2.36 CERTIFICATION OF INCUMBENT BARGAINING REPRESENTATIVE STATUS: A labor organization that was recognized by a public employer as the exclusive representative of an appropriate bargaining unit on June 30, 1999 shall be recognized as the exclusive representative of the unit. Such recognition shall not be affected by a local labor board ceasing to exist pursuant to Section 10-7E-10 NMSA 1978 (2020). Such labor organization may petition for declaration of bargaining status under Subsection B of Section 10-7E-24 NMSA 1978 (2003).

[11.21.2.36 NMAC - N, 3/15/2004; A, 7/1/2020]

11.21.2.37 UNIT CLARIFICATION:

A. Except as provided in Section 24(A) of the Act, where the circumstances surrounding the creation of an existing collective bargaining unit are alleged to have changed sufficiently to warrant a change in the scope and description of that unit, or a merger or realignment of previously existing bargaining units represented by the same labor organization, either the exclusive representative or the employer may file with the director a petition for

unit clarification. Such a petition seeking realignment of existing units into horizontal units may be filed and processed only when it relates to state employees.

B. Upon the filing of a petition for unit clarification, the director shall investigate the relevant facts, and shall either set the matter for hearing or shall issue a report recommending resolution of the issues within thirty (30) days of the filing of the petition. In the director's investigation or through the hearing, the director or hearing examiner shall determine whether a question concerning representation exists and, if so, shall dismiss the petition. In such a case, the petitioner may proceed otherwise under these rules.

C. If the director or hearing examiner determines that no question concerning representation exists and that the petitioned-for clarification is justified by the evidence presented, the director or hearing examiner shall issue a report clarifying the unit within 30 days of the filing of the petition if no hearing is determined necessary, or within 30 days of the hearing if a hearing is determined necessary. If the director determines that a question concerning representation exists, the petition shall be dismissed.

D. A director or hearing examiner determination on a unit clarification petition shall be appealable to the board under the same procedures set forth in Section 22, above.

[11.21.2.37 NMAC - N, 3/15/2004; A, 2/28/2005; A, 7/1/2020]

11.21.2.38 ACCRETION:

A. The exclusive representative of an existing collective bargaining unit, may petition the board to include in the unit employees who do not belong, at the time the petition is filed, to any existing bargaining unit, who share a community of interest with the employees in the existing unit, and whose inclusion in the existing unit would not render that unit inappropriate.

B. If the number of employees in the group sought to be accreted is less than ten percent of the number of employees in the existing unit, the board shall presume that their inclusion does not raise a question concerning representation requiring an election, and the petitioner may proceed by filing a unit clarification petition under these rules. Such a unit clarification petition to be processed, must be accompanied by a showing of interest demonstrating that no less than thirty percent of the employees in the group sought to be accreted wish to be represented by the exclusive representative as part of the existing unit. No group of employees may be accreted to an existing unit without an election if the board determines that such group would constitute a separate appropriate bargaining unit.

C. If the number of employees in the group sought to be accreted is greater than ten percent of the number of employees in the existing unit, the board shall presume that their inclusion raises a question concerning representation, and the petitioner may proceed only by filing a petition for an election under these rules. Such a petition, in an accretion situation, must be accompanied by a showing of interest demonstrating that no less than thirty percent of the employees in the group sought to be accreted wish to be represented by the exclusive representative as part of the existing unit.

[11.21.2.38 NMAC - N, 3/15/2004; A, 2/28/2005]

11.21.2.39 VOLUNTARY RECOGNITION:

A. A labor organization representing the majority of employees in an appropriate collective bargaining unit and a public employer, after a petition for certification has been filed, may enter into a voluntary recognition agreement in which the employer recognizes the labor organization as the exclusive representative of all of the employees in the unit. Such petition shall be accompanied by a showing of majority support, which shall be verified in accordance with the procedures of Section 11, above.

B. Prior to board approval of any voluntary recognition, the director shall post notice of filing of petition in the manner provided for in Section 15, above. The director shall also give notice to any individuals or labor organizations that register with the director to be informed of such petitions.

C. If an intervenor does not file a petition for intervention within 10 days then the board shall consider the petition for approval of the voluntary recognition if accompanied by consent of the employer.

D. The board shall treat a voluntary recognition relationship so established and approved the same as a relationship established through board election and certification, unless the board finds the agreed-to bargaining unit to be inappropriate. In that event, the board may require the filing and processing of a petition as provided for in these rules, and the conduct of an election, before recognizing the relationship.

E. If an intervenor files a proper petition pursuant to Section 16 above, within the 10 day time period, then the board may not approve a voluntary recognition, and the director shall proceed in the manner set forth for representation petitions as provided in Section 10 to 14 and 17 to 34 above.

[11.21.2.39 NMAC - N, 3/15/2004; A, 2/28/2005; A, 2/11/2020]]

11.21.2.40 PETITION WITHDRAWAL: The petitioner in a representation proceeding may request permission of the director to withdraw the petition at any time prior to an initial election. The director has discretion to grant or deny a withdrawal request only after soliciting the positions of all parties.
[11.21.2.40 NMAC - N, 3/15/2004; A, 7/1/2020]

11.21.2.41 SEVERANCE PETITION: A severance petition is a representation petition filed by a labor organization that seeks to sever or slice a group of employees who comprise one of the occupational groups listed in Section 10-7E-13 NMSA from an existing unit for the purpose of forming a separate, appropriate unit. It must be accompanied by a thirty percent showing of interest among the employees in the petitioned-for unit. It may be filed no earlier than 90 days and no later than 60 days before the expiration date of a collective bargaining agreement or may be filed at any time after the expiration of the third year of a collective bargaining agreement with a term of more than three years.
[11.21.2.41 NMAC - N, 3/15/2004]

11.21.2.42 DISCLAIMER OF INTEREST: Any labor organization holding exclusive recognition for a unit of employees may disclaim its representational interest in those employees at any time by submitting a letter to the PELRB and the employer disclaiming any representational interest in a unit for which it is the exclusive representative. Upon receipt of a letter disclaiming an interest under this rule, the board shall cause to be posted in a place or places frequented by employees in the affected bargaining unit, a notice that the union has chosen to relinquish representation of the employees and direct staff to dismiss any petitions to decertify the exclusive representative of the disclaimed unit.
[11.21.2 NMAC – N, 2/11/2020; A, 7/26/2022]

History of 11.21.2 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the commission of public records-state records center and archives:
PELRB 2, Representation Proceedings, filed 3/18/1993.

History of Repealed Material: 11 NMAC 21.2, Representation Proceedings (filed 6/24/1996), repealed as a result of the internal duration of rule, stated as 7/1/1999.

Other History:

PELRB 2, Representation Proceedings, filed 3/18/1993 was renumbered and replaced by 11 NMAC 21.2, Representation Proceedings, filed 6/24/1996.
11 NMAC 21.2, Representation Proceedings, filed 6/24/1996, was replaced by 11.21.2 NMAC, Representation Proceedings, effective 3/15/2004.

**IN THE MATTER BEFORE THE STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD**

JOSEPH URBANIAK,

Petitioner,

and

PELRB No. 335-23

AFSCME, COUNCIL 18,

Respondent.

CONSENT AGREEMENT FOR DECERTIFICATION ELECTION

PETITIONER: JOSEPH URBANIAK

LABOR ORGANIZATION: AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, COUNCIL 18

PUBLIC EMPLOYER: GRANT COUNTY

1. **DECERTIFICATION ELECTION.** A secret ballot election will be held under the supervision of the Public Employee Labor Relations Board, with Thomas J. Griego designated as the Election Supervisor.

2. **ELECTION DATES, TIMES, AND PLACE.**

LOCATION: Via Electronic or mail-in ballot

DATES AND TIMES: All ballots must be received by PELRB Staff by 5:00 p.m. Thursday, January 11, 2024

3. **THE BARGAINING UNIT:**

INCLUDES: Accounting Specialist, Airport Technician, Appraiser-Associate, Carpenter, Civil Process Server, County Service Specialist, Court Security Officer, Custodian, Deputy Sheriff, Detention Officer, Detention Officer Corporal, Detention Sergeant, Equipment Operator, Fleet Maintenance Mechanic, Fleet Service Worker, Laborer, Maintenance Tech-Licensed, Maintenance Technician, Office Assistant, Senior County Service Specialist, Sheriff Corporal, Sheriff Sergeant, Title Examiner, and Truck Driver.

EXCLUDES: Supervisors, confidential employees, at-will employees, probationary employees, part-time employees, term employees, grant funded employees, contract employees, seasonal employees, and temporary employees.

4. ELIGIBLE VOTERS.

A. The employees in the classifications identified above who are employed on the date of the election.

B. Bargaining unit employees wishing to participate in the election must request either an electronic ballot by providing an email address to which a link to the electronic ballot may be sent or a mailing address where a mail-in ballot can be sent via US Mail. Instructions on how to request each type of ballot shall be provided in the Notice described in Section 5, infra. Employees must request a mail-in ballot no later than the close of business on December 27, 2023 or provide an email address for an electronic ballot by the close of business on January 9, 2024. Mail-in ballots will be sent out on December 28, 2023. The PELRB will email a link to an electronic poll to employees who requested an electronic ballot on January 10, 2023 to the email address provided by the employee. In order to be counted, electronic ballots must be cast by 5:00 p.m. on January 11, 2024; mail-in ballots must be received by the Election Supervisor no later than 5:00 p.m. on January 11, 2024.

5. NOTICE OF ELECTION. The Notice of Election attached as Appendix A to this agreement shall be posted in all common area(s) where regular notices are posted and will remain posted until the closing of the polls at 5:00 p.m. on January 11, 2024. Parties shall be free to further disseminate the Notice as they see fit.

6. DUTIES OF THE ELECTION SUPERVISOR.

A. After the closing of the polls, the Election Supervisor will count the number of ballots submitted and determine whether forty percent (40%) of the employees in the unit voted. If the agent determines that less than forty percent (40%) of the employees in the unit voted, then the ballots will not be counted.

B. If (40%) or more of the employees in the unit voted, then the ballots will be counted. If the result indicates a majority of bargaining unit employees support decertification, a Certificate of Decertification will issue and be reviewed by the Board at its next regular meeting.

8. THE BALLOT.

A. The secret ballot shall include the choice of "YES" for decertification, or "NO" to continue with AFSCME representation. THERE SHALL BE NO NAMES SIGNED ON THE BALLOT AND ANY OTHER MARKINGS ON THE BALLOT WILL INVALIDATE THE BALLOT.

B. SECRET BALLOT. The election will be by secret ballot as set forth herein and the parties mutually agree that the voters will be allowed to vote without interference, restraint, or

coercion. No electioneering shall be permitted within 50 feet of any room in which balloting is taking place.

C. CHALLENGED BALLOTS.

(1) The Election Supervisor, may challenge the eligibility to vote of any person who submits a ballot and shall state the reason for the challenge. The Election Supervisor shall challenge any voter whose name does not appear on the list of voter eligibility.

(2) Following voting and before the votes are counted, the Election Supervisor shall attempt to resolve the eligibility of the challenged voters by agreement of the parties. The ballots of challenged voters who are agreed eligible shall counted.

(3) Challenged ballots shall not be counted and the challenges shall not be investigated unless, after the other ballots are counted, the challenged ballots could be determinative of the outcome of the election.

(4) If the challenged ballots could be determinative of the outcome of the election, the Election Supervisor shall declare the vote inconclusive, shall, as soon as possible, investigate the challenged ballots to determine voter eligibility, and shall issue a report thereon or a notice of hearing within fifteen (15) days of the election. Any party may request PELRB review of the Election Supervisor's report.

(5) Following resolution of determinative challenged ballots, the Election Supervisor shall count the ballot of voters found to be eligible, adding the results of the earlier count and issuing a revised tally of ballots.

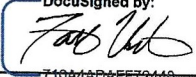
D. TALLY OF BALLOTS. The Election Supervisor shall count the ballots during a videoconference beginning at 10:30 a.m. on January 12, 2024. A link to the videoconference shall be made available on the PELRB website so that the parties may observe the counting of the ballots. Immediately following the counting of ballots as described in Section 6, supra, the Election Supervisor shall provide a tally of ballots upon to both parties. The tally shall show the number of votes cast for decertification of the labor organization, the number of votes cast against decertification of the labor organization, the number of challenged ballots, and the percentage of employees in the unit who cast ballots. The tally shall also state whether the results are conclusive and, if so, what the conclusive vote is.

9. ACCOMMODATIONS. Petitioner and/or the Public Employer should notify the Election Supervisor as soon as possible of any voters, potential voters, or other participants in the election with disabilities -- as defined by the appropriate sections of the Rehabilitation Act and American with Disabilities Act and implementing regulations -- who, in order to participate in the election, need appropriate auxiliary aids and request necessary assistance.

10. OBJECTIONS. Within five (5) workdays following the written tally of ballots, a party may file objections to the conduct of the election. A violation of this Consent Agreement is a basis for an objection and such a violation may cause the election to be rescheduled and/or the results to be invalidated.

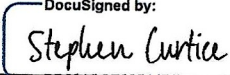
11. The undersigned are designated by his or her respective party to act as principal and authorized to sign this Consent Agreement thereby binding each party to the contents herein.

The undersigned acknowledge that they have (1) read each paragraph of this Consent Agreement; (2) have discussed it with the other party; and (3) voluntarily and in good faith accepted the terms and conditions specified in the Consent Agreement.

DocuSigned by:

710A4ADAFF72448...


Joseph Urbaniak
12/15/2023

Date

DocuSigned by:

BD831CCE68514D5...

For AFSCME
12/19/2023

Date



Approved by Thomas J. Griego
Public Employee Labor Relations Board

NOTICE OF ELECTION

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

PURPOSE OF ELECTION

An election by secret ballot will be conducted under the supervision of the Public Employee Labor Relations Board among the eligible voters described herein to determine whether the employees in the bargaining unit wish to decertify the exclusive representative (American Federation of State, County and Municipal Employees) as the exclusive representative for the purpose of collective bargaining with Grant County under the Public Employee Bargaining Act.

SECRET BALLOT

The election will be by SECRET ballot. Voters will be allowed to vote without interference, restraint, or coercion.

The election will be conducted via electronic and/or mail-in ballots. Employees wishing to participate in the election must request either an electronic ballot or a mail-in ballot. Employees who wish to cast a mail-in ballot must provide the PELRB with a mailing address (by email to matt.huchmala@pelrb.nm.gov or by calling 505-831-5422 during business hours) no later than 5:00 p.m. on December 27, 2023. Employees who wish to cast an electronic ballot must provide the PELRB with an email address (by email to matt.huchmala@pelrb.nm.gov) no later than 5:00 p.m. on January 9, 2024. Mail-in ballots will be sent via US Mail on December 28, 2023. The PELRB will email a link to an electronic poll to each eligible voter on January 10, 2023. Electronic ballots must be cast and mail-in ballots received by 5:00 p.m. on January 11, 2024 in order to be counted.

THIS IS THE ONLY OFFICIAL NOTICE OF THIS SECRET BALLOT ELECTION

LABOR ORGANIZATION: AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, COUNCIL 18

PUBLIC EMPLOYER: GRANT COUNTY

VOTING UNIT: Accounting Specialist, Airport Technician, Appraiser-Associate, Carpenter, Civil Process Server, County Service Specialist, Court Security Officer, Custodian, Deputy Sheriff, Detention Officer, Detention Officer Corporal, Detention Sergeant, Equipment Operator, Fleet Maintenance Mechanic, Fleet Service Worker, Laborer, Maintenance Tech-Licensed, Maintenance Technician, Office Assistant, Senior County Service Specialist, Sheriff Corporal, Sheriff Sergeant, Title Examiner, and Truck Driver.

EXCLUDES: Supervisors, confidential employees, at-will employees, probationary employees, part-time employees, term employees, grant funded employees, contract employees, seasonal employees, and temporary employees.

DATES AND TIMES: All ballots must be received by the PELRB no later than 5:00 p.m. on January 11, 2023

APPENDIX C

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

SAMPLE BALLOT

For The Incumbent Bargaining Unit consisting of Accounting Specialist, Airport Technician, Appraiser-Associate, Carpenter, Civil Process Server, County Service Specialist, Court Security Officer, Custodian, Deputy Sheriff, Detention Officer, Detention Officer Corporal, Detention Sergeant, Equipment Operator, Fleet Maintenance Mechanic, Fleet Service Worker, Laborer, Maintenance Tech-Licensed, Maintenance Technician, Office Assistant, Senior County Service Specialist, Sheriff Corporal, Sheriff Sergeant, Title Examiner, and Truck Driver of Grant County.

Do you wish to stop being represented for purposes of collective bargaining by American Federation of State, County and Municipal Employees, Council 18 (AFSCME)?

Indicate your choice below

YES **I want AFSCME decertified as the exclusive representative for collective bargaining**

NO **I want to continue representation by AFSCME**

Do not sign this ballot. Fold and drop it in the Ballot Box. If you spoil this ballot return it to the Election Agent for a new ballot.

THIS IS AN OFFICIAL GOVERNMENT NOTICE AND MUST NOT BE DEFACED

**IN THE MATTER BEFORE THE STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD**

JOSEPH URBANIAK,

Petitioner,

and

PELRB No. 335-23

AFSCME, COUNCIL 18,

Respondent.

RESULTS OF SECRET BALLOT ELECTION

LABOR ORGANIZATION: American Federation of State, County and Municipal Employees, Council 18 (AFSCME)

EMPLOYER: Grant County

END DATE OF ELECTION: January 11, 2024

LOCATION OF ELECTION: Electronic and mail-in ballots

- 1. Total Number of Eligible Voters _____
- 2. 40% of the Eligible Voters Equals _____
- 3. Total Number of Ballots Cast _____
- 4. Was 40% Requirement Met _____
- 5. Total Number of "YES" (Decertification) Votes _____
- 6. Total Number of "NO" (Continue Representation) Votes _____
- 7. Number of Challenged Ballots _____
 - Challenged Ballots Rejected by Parties _____
 - Challenged Ballots Agreed to by Parties _____
- 8. Number of Invalid Votes _____

The above is a true statement of the election returns.

Election Supervisor _____ Date _____

The undersigned acted as authorized observers in the counting and tabulating of ballots indicated above. We hereby certify that the counting and tabulation were fairly and accurately done, that

the secrecy of the ballots was maintained, and that the results were as indicated above. We also acknowledge service of this tally.

Observer: _____

Observer: _____

For: _____ Date _____

For: _____ Date _____

Observer: _____

For: _____ Date _____

Try the new Teams 🔍 🔍 Search 👤 ☰ ✕

Calendar # Join with an ID 📺 Meet now + New meeting

Today < > **January 2024** 📅 Work week

| | 08 Monday | 09 Tuesday | 10 Wednesday | 11 Thursday | 12 Friday |
|-------|---|---|-----------------|----------------|--|
| | <p>Dec 11 Shahzad out of office Shah, Shahzad, DoIT</p> <p>124-23 Answer due</p> <p>124-24 Complainant's evidence ...</p> | <p>105-23 Record Proper due in 1 w...</p> <p>304-22 Record due to court in 1...</p> | | | |
| 8 AM | | | | | |
| 9 AM | | <p>Meet with Tanya re financial matters</p> <p>January Microsoft Teams</p> | | | |
| 10 AM | | <p>Deliberations</p> <p>Microsoft Teams Meeting</p> <p>Huchmala, Matt, PELRB</p> | | | |
| 11 AM | | | | | <p>335-23 Urbaniak & AFSCME Ballot</p> <p>Microsoft Teams Meeting Huchmala</p> |
| 12 PM | | | | | |
| 1 PM | | | | | <p>125-23 AFSCME V ABCUWA 565</p> <p>telephonic</p> |

My calendar 🔗

335-23 Urbaniak & AFSCME Ballot Tally

Jan 12 10:30 AM – 11:00 AM

Join Edit

📍 Microsoft Teams Meeting

🔗 <https://teams.microsoft.com/l/meetup-join/1...> 📄

💬 Chat with participants

👤 Huchmala, Matt, PELRB
Organizer

From: [Huchmala, Matt, PELRB](#)
To: [Jay Urbaniak](#)
Cc: [Griego, Tom, PELRB](#); "[Stephen Curtice](#)"
Subject: RE: [EXTERNAL] Re: 335-23 Urbaniak & AFSCME
Date: Wednesday, January 17, 2024 3:44:00 PM
Attachments: [335-23 Election Results form signed 1-12-23.pdf](#)

Mr. Urbaniak:

I have attached a copy of the election results form. The Board will review the results at it February 6, 2024 meeting.

Feel free to contact me using the information below if you have any questions or concerns.

Matthew Huchmala

Executive Administrative Assistant
Public Employee Labor Relations Board
2929 Coors Blvd NW, Suite 303
Albuquerque, NM 87120
matt.huchmala@pelrb.nm.gov
Ph: 505.831.5422
Fax: 505.831.8820





State of New Mexico

Public Employee Labor Relations Board

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[FORMS](#)
[THE BOARD](#)
[OPEN CASES](#)
[LOCAL LABOR BOARDS](#)
[RESOURCES](#)

Hearing Calendar

Home > Hearing Calendar

Today | January 2024 | Print | Week | Month | Agenda

| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
|-----|-------|--------------------|------------------|---------------------|--------------------|-----|
| 31 | Jan 1 | 2 | 3 | 4 | 5 | 6 |
| 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| | | 9am January Meetir | 1:30pm PELRB LFC | 1:1pm 125 -23 AFSCM | 10:30am 335-23 Urb | |
| 14 | 15 | 16 | | | | |
| 21 | 22 | 23 | | | | |
| | | 9am VACATED: 107 | | | | |
| 28 | 29 | 30 | | | | |

335-23 Urbaniak & AFSCME Ballot Tally

When Fri, January 12, 10:30am – 12:30pm
Where videoconference ([map](#))
Description Microsoft Teamsmeeting
Join on your computer,mobile app or room device
[Click here to join the meeting](#)
Meeting ID: 246 782 474 412
Passcode: LywmsM
[Download Teams](#) | [Join on the web](#)

[more details>](#) [copy to my calendar>](#)

Outlook interface showing a calendar view for January 12, 2024. The interface includes a search bar, a ribbon with various calendar functions, and a list of calendars on the left. The main calendar area shows a meeting titled "335-23 Urbaniak & AFSCME Ballot Tally" on Friday, January 12, 2024, from 10:30 AM to 12:30 PM. A notification for "304-22 Record due to court in 1 week" is also visible.

Certificate Of Completion

| | |
|--|----------------------------|
| Envelope Id: 077784609FCF45A2BBF3EB1DB0AC4E83 | Status: Completed |
| Subject: Complete with DocuSign: Report of Election Results 1-12-24.docx | |
| Source Envelope: | |
| Document Pages: 1 | Signatures: 2 |
| Certificate Pages: 5 | Initials: 0 |
| AutoNav: Enabled | Envelope Originator: |
| Envelope Stamping: Enabled | Matt Huchmala |
| | Matt.Huchmala@pelrb.nm.gov |
| | IP Address: 164.64.4.4 |
| Time Zone: (UTC-08:00) Pacific Time (US & Canada) | |

Record Tracking

| | | |
|--------------------------------------|----------------------------|--------------------|
| Status: Original | Holder: Matt Huchmala | Location: DocuSign |
| 1/12/2024 10:01:58 AM | Matt.Huchmala@pelrb.nm.gov | |
| Security Appliance Status: Connected | Pool: StateLocal | |
| Storage Appliance Status: Connected | Pool: State of New Mexico | Location: DocuSign |

Signer Events

Stephen Curtice
 stephen@youtzvaldez.com
 Security Level: Email, Account Authentication (None)

Signature

DocuSigned by:

 Stephen Curtice
 BDB31CCE68514D5...
 Signature Adoption: Pre-selected Style
 Using IP Address: 206.192.168.29

Timestamp

Sent: 1/12/2024 10:03:14 AM
 Viewed: 1/12/2024 10:43:25 AM
Signed: 1/12/2024 10:43:48 AM

Electronic Record and Signature Disclosure:
 Accepted: 1/12/2024 10:43:25 AM
 ID: 6d98bc4d-21dd-4dc0-9467-233e3f43f06e

Thomas J Griego
 Tom.Griego@pelrb.nm.gov
 Security Level: Email, Account Authentication (None)

DocuSigned by:

 Thomas J Griego
 825B41CFF4524B3...
 Signature Adoption: Pre-selected Style
 Using IP Address: 164.64.4.4

Sent: 1/12/2024 10:03:14 AM
 Viewed: 1/12/2024 10:03:58 AM
Signed: 1/12/2024 10:04:12 AM

Electronic Record and Signature Disclosure:
 Accepted: 1/20/2023 9:43:39 AM
 ID: 5f024880-4cc1-47e4-9d12-2d27a2a18216

| In Person Signer Events | Signature | Timestamp |
|------------------------------|------------------|-----------------------|
| Editor Delivery Events | Status | Timestamp |
| Agent Delivery Events | Status | Timestamp |
| Intermediary Delivery Events | Status | Timestamp |
| Certified Delivery Events | Status | Timestamp |
| Carbon Copy Events | Status | Timestamp |
| Witness Events | Signature | Timestamp |
| Notary Events | Signature | Timestamp |
| Envelope Summary Events | Status | Timestamps |
| Envelope Sent | Hashed/Encrypted | 1/12/2024 10:03:15 AM |

| Envelope Summary Events | Status | Timestamps |
|--------------------------------|------------------|-----------------------|
| Certified Delivered | Security Checked | 1/12/2024 10:03:58 AM |
| Signing Complete | Security Checked | 1/12/2024 10:04:12 AM |
| Completed | Security Checked | 1/12/2024 10:43:48 AM |

| Payment Events | Status | Timestamps |
|---|---------------|-------------------|
| Electronic Record and Signature Disclosure | | |

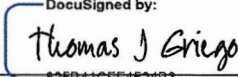
STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

RESULTS OF SECRET BALLOT ELECTION

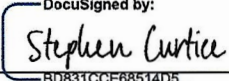
PETITIONER: Joseph Urbaniak
LABOR ORGANIZATION: AFSCME Council 18
PELRB CASE NO. 335-23
DATE OF ELECTION: Thursday, January 11, 2024
TYPE OF ELECTION Electronic and Mail-in ballots

| | | |
|----|--|------------|
| 1. | Total Number of Eligible Voters | <u>66</u> |
| 2. | 40% of Eligible Voters Equals: | <u>27</u> |
| 3. | Total Ballots Cast | <u>46</u> |
| 4. | Was the 40% Requirement Met? | <u>YES</u> |
| 5. | Total Number of "YES" Votes for Decertification | <u>15</u> |
| 6. | Total Number of "NO" Votes against Decertification | <u>46</u> |
| 7. | Number of Challenged Ballots | <u>6</u> |
| | Challenged Ballots Rejected by Supervisor | <u>6</u> |
| | Challenged Ballots Accepted by Supervisor | <u>0</u> |
| 8. | Invalid Votes | <u>0</u> |
| 9. | Percent of Employees in Bargaining Unit indicating support For Decertification | <u>33%</u> |

THE ABOVE IS A TRUE STATEMENT OF THE ELECTION RETURNS.

Election Supervisor  Date: January 12, 2024
The undersigned acted as authorized observers in the counting and tabulating of ballots indicated above. We hereby certify that the counting and tabulation were fairly and accurately done, that the secrecy of the ballots was maintained, and that the results were as indicated above. We also acknowledge service of this tally.

Observer: NONE For: Petitioner Date: _____

Observer:  For: Respondent Date: 1/12/2024
Stephen Curtice

Ask ID
of observers:

STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

RESULTS OF SECRET BALLOT ELECTION

PETITIONER: Joseph Urbaniak
LABOR ORGANIZATION: AFSCME Council 18
PELRB CASE NO. 335-23
DATE OF ELECTION: Thursday, January 11, 2024
TYPE OF ELECTION Electronic and Mail-in ballots

| | | |
|----|--|------------|
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| 7. | Number of Challenged Ballots | <u>6</u> |
| | Challenged Ballots Rejected by Parties | <u>6</u> |
| | Challenged Ballots Agreed to by Parties | <u>0</u> |
| 8. | Invalid Votes | <u>6</u> |
| 9. | Percent of Employees in Bargaining Unit indicating support For Decertification | <u>33%</u> |

THE ABOVE IS A TRUE STATEMENT OF THE ELECTION RETURNS.

Election Supervisor _____ Date: January 12, 2024

The undersigned acted as authorized observers in the counting and tabulating of ballots indicated above. We hereby certify that the counting and tabulation were fairly and accurately done, that the secrecy of the ballots was maintained, and that the results were as indicated above. We also acknowledge service of this tally.

Observer: (No observer appearing) For: Petitioner Date: 1-12-24

Observer: _____ For: Respondent Date: 1-12-24
Stephen Antice

STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

RESULTS OF SECRET BALLOT ELECTION

PETITIONER: Joseph Urbaniak
LABOR ORGANIZATION: AFSCME Council 18
PELRB CASE NO. 335-23
DATE OF ELECTION: Thursday, January 11, 2024
TYPE OF ELECTION Electronic and Mail-in ballots

| | | |
|----|--|------------|
| 1. | Total Number of Eligible Voters | <u>66</u> |
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| | Challenged Ballots Rejected by Supervisor | <u>6</u> |
| | Challenged Ballots Accepted by Supervisor | <u>0</u> |
| 8. | Invalid Votes | <u>6</u> |
| 9. | Percent of Employees in Bargaining Unit indicating support For Decertification | <u>33%</u> |

THE ABOVE IS A TRUE STATEMENT OF THE ELECTION RETURNS.

Election Supervisor Thomas J Griego Date: January 12, 2024
The undersigned acted as authorized observers in the counting and tabulating of ballots indicated above. We hereby certify that the counting and tabulation were fairly and accurately done, that the secrecy of the ballots was maintained, and that the results were as indicated above. We also acknowledge service of this tally.

Observer: NONE For: Petitioner Date: _____

Observer: Stephen Curtice For: Respondent Date: 1/24/2024
Stephen Curtice



STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

MICHELLE LUJAN GRISHAM
Governor

Peggy J. Nelson, Chair
Mark Myers, Vice-Chair
Nan Nash, Member

2929 Coors Blvd. N.W. Suite 303
Albuquerque, NM 87120
(505) 831-5422
(505) 831-8820 (Fax)

THOMAS J. GRIEGO
Executive Director

January 10, 2024

Joseph Urbaniak
3820 North Gold Street
Silver City, New Mexico 88061

Youtz & Valdez, P.C.
900 Gold Avenue S.W.
Albuquerque, New Mexico 87102
Attn: Stephen Curtice

Re: ***Urbaniak & AFSCME, Council 18; PELRB 335-23***

Dear Mr. Urbaniak and Mr. Curtice:

As you are aware, the PELRB approved our Consent Election Agreement at yesterday's Board meeting, and that agreement calls for requests for electronic or mail-in ballots to be received no later than the close of business on December 27, 2023 and employees are to provide an email address for an electronic ballot by the close of business on January 9, 2024. We have received several requests for electronic balloting after the scheduled deadline and those employees will not be provided a link for electronic voting.

Beyond that, and of more concern to me, is what appears on several of the requests for a link to the electronic ballot. Several request are submitted on a template form from County email accounts that read:

"My name is __. I am an employee of Grant County and would like to participate in the election to decertify AFSCME Council 18 in PELRB Case No. 335-23. Please send me a voting link at this email address: __. Thank you.

Sometime on Wednesday, January 10, PELRB will email you a link to vote electronically.

Complete and submit your electronic ballot to the PELRB by 5 p.m. on Thursday, January 11.

Under state law, the decertification election will only be valid if at least 40% of us participate, so make sure to take advantage of your last chance to help the county move forward by voting YES to decertify AFSCME Council 18."

NMSA 1978 § 10-7E-19(B) provides that a public employer or its representative shall not:

APPENDIX K

Letter Re: electronic balloting in PELRB 335-23

January 10, 2024

Page 2

“... interfere with, restrain or coerce a public employee in the exercise of a right guaranteed pursuant to the Public Employee Bargaining Act or use public funds to influence the decision of its employees or the employees of its subcontractors regarding whether to support or oppose a labor organization that represents or seeks to represent those employees, or whether to become a member of any labor organization...”

It is my intention to conduct the election as scheduled and thereby determine whether any irregularity associated with the template requests turns out to be material. If the union prevails after the ballots are counted, that result would render the suspicious ballot requests immaterial. If however, the union is decertified, I will contact the parties for the purpose of scheduling an investigation and a hearing on whether § 19(B) has been violated and, if so, what the proper remedy should be under the facts of this case.

Sincerely,

PUBLIC EMPLOYEE LABOR RELATIONS BOARD



Thomas J. Griego
Executive Director

xc: Dina Holcomb

From: [Griego, Tom, PELRB](#)
To: [Jay Urbaniak](#); [Huchmala, Matt, PELRB](#)
Cc: [Stephen Curtice](#); [Allison Keelin](#); [Dina Holcomb](#)
Subject: RE: [EXTERNAL] Re: 335-23 Urbaniak & AFSCME
Date: Thursday, January 11, 2024 10:41:06 AM

The only excluded or refused ballots are those received after 5:00 pm on Jan 9. The December 27 deadline has nothing to do with the present issue or my letter.

Thomas J. Griego

Executive Director
Public Employee Labor Relations Board
2929 Coors Blvd NW, Suite 303
Albuquerque, NM 87120
Tom.Griego@pelrb.nm.gov
Ph: 505.831.5422
Fax: 505.831.8820



From: Jay Urbaniak <urbaniakjay@gmail.com>
Sent: Wednesday, January 10, 2024 3:27 PM
To: Huchmala, Matt, PELRB <Matt.Huchmala@pelrb.nm.gov>
Cc: Stephen Curtice <stephen@youtzvaldez.com>; Griego, Tom, PELRB <Tom.Griego@pelrb.nm.gov>; Allison Keelin <Allison@youtzvaldez.com>; Dina Holcomb <dholcomb@holcomblawoffice.com>
Subject: [EXTERNAL] Re: 335-23 Urbaniak & AFSCME

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Director Griego,

I just finished reviewing your letter below and, with all due respect, it's characterization of the process for employees to participate in the decertification election, as specified in the consent election agreement and PELRB notice of election, is simply incorrect.

Your letter states that the consent election agreement, "calls for requests for electronic or mail-in ballots to be received no later than the close of business on December 27, 2023" and indicates that employees who have requested to participate in the election electronically after the 27th "will not be provided a link for electronic voting."

APPENDIX L

However, while the consent election agreement requires that requests for *mail-in ballots* be received by the PELRB by the 27th, it is quite clear that requests to participate electronically could be submitted as late as 5 p.m. yesterday, January 9. Paragraph 4(b) of the agreement reads:

“Bargaining unit employees wishing to participate in the election must request either an electronic ballot by providing an email address to which a link to the electronic ballot may be sent or a mailing address where a mail-in ballot can be sent via US Mail... Employees must request a mail-in ballot no later than the close of business on December 27, 2023 or provide an email address for an electronic ballot by the close of business on January 9, 2024.”

Similarly, the Notice of Election the PELRB created and directed be posted in the workplace contains the following directions for employees wishing to participate in the election:

“Employees who wish to cast a mail-in ballot must provide the PELRB with a mailing address (by email to matt.huchmala@pelrb.nm.gov or by calling 505-831-5422 during business hours) no later than 5:00 p.m. on December 27, 2023. Employees who wish to cast an electronic ballot must provide the PELRB with an email address (by email to matt.huchmala@pelrb.nm.gov) no later than 5:00 p.m. on January 9, 2024.”

The PELRB’s current position is extremely concerning and, if not promptly corrected, has the potential to effectively disenfranchise some or most of the bargaining unit and render the entire election process irrelevant. Accordingly, I respectfully request that the PELRB:

1. Immediately send an electronic voting link to all bargaining unit employees who requested to participate in the election by 5 p.m. on January 9, with an apology noting that the PELRB’s prior denial of their request was in error.
2. Extend the close of the voting period from 5 p.m. on January 11 to 5 p.m. on Friday January 12, to give employees who were improperly denied an opportunity to vote sufficient time to cast a ballot.
3. Immediately provide the parties with a list of all employees who requested to participate in the election electronically after 5 p.m. on December 27, 2023.

Regarding the second matter raised in your letter, the “template” requests for a link to vote

electronically: I distributed the suggested ballot request language to my co-workers to help make it easier for them to participate in the election. It did not come from the county which, as far as I am aware, hasn't distributed any communications about the decertification election.

Thank you.

Joseph Urbaniak

On Wed, Jan 10, 2024, 2:02 PM Huchmala, Matt, PELRB <Matt.Huchmala@pelrb.nm.gov> wrote:

Parties:

I have attached a letter from the Executive Director regarding the Decertification Election in the above-named case. A hard copy will follow via US Mail.

Feel free to contact me using the information below if you have any questions or concerns.

Matthew Huchmala

Executive Administrative Assistant
Public Employee Labor Relations Board
2929 Coors Blvd NW, Suite 303
Albuquerque, NM 87120
matt.huchmala@pelrb.nm.gov
Ph: 505.831.5422
Fax: 505.831.8820



| ! 🗑️ 📄 📧 | From | Subject | Received | Size | Categor... | Mention | 🚩 |
|-------------------|--|----------------------|------------------------|-------|------------|---------|---|
| Last Month | | | | | | | |
| | Ray Lewis | Re: [EXTERNAL] | Wed 1/10/2024 8:41 ... | 59 KB | | | |
| | The email address is correct. | | | | | | |
| | Shawn Carrasco | Re: [EXTERNAL] R... | Tue 1/9/2024 7:53 PM | 56 KB | | | |
| | Ok thanks will be expecting it Sent from my iPhone | | | | | | |
| 📧 | Robert Zamarripa | [EXTERNAL] electi... | Tue 1/9/2024 4:45 PM | 59 KB | | | |
| | CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments. My | | | | | | |
| | Lynn Baca | Re: [EXTERNAL] Ba... | Tue 1/9/2024 4:36 PM | 63 KB | | | |
| | Thank you for your prompt response. | | | | | | |
| 📧 | Robert Ortiz | [EXTERNAL] Grant ... | Tue 1/9/2024 4:35 PM | 52 KB | | | |
| | CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments. Hi, | | | | | | |
| | Robert Ortiz | [EXTERNAL] Grant ... | Tue 1/9/2024 4:33 PM | 49 KB | | | |
| | CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments. Hi | | | | | | |
| 📧 | Lynn Baca | [EXTERNAL] Ballot | Tue 1/9/2024 3:57 PM | 66 KB | | | |
| | CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments. Good | | | | | | |
| 📧 | Bart Olsen | [EXTERNAL] Union... | Tue 1/9/2024 2:56 PM | 54 KB | | | |
| | CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments. My | | | | | | |
| 📧 | Walker Mize | [EXTERNAL] Ballot | Tue 1/9/2024 2:34 PM | 54 KB | | | |
| | CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments. My | | | | | | |
| | Jacob Martinez | Re: [EXTERNAL] El... | Tue 1/9/2024 2:31 PM | 66 KB | | | |
| | Thank you. Sergeant Jacob Martinez Grant County Sheriff's Office Work Cell (575) 650-4479 | | | | | | |
| | Doris Sierra | [EXTERNAL] Decer... | Tue 1/9/2024 2:28 PM | 68 KB | | | |
| | CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments. Good | | | | | | |
| 📧 | Brawn Aguirre | [EXTERNAL] Grant ... | Tue 1/9/2024 2:27 PM | 65 KB | | | |
| | CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments. "My | | | | | | |
| 📧 | Rudy Garcia | [EXTERNAL] Voting | Tue 1/9/2024 2:12 PM | 58 KB | | | |
| | CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments. My | | | | | | |
| 📧 | Travis Cano | [EXTERNAL] Ballot | Tue 1/9/2024 2:02 PM | 56 KB | | | |
| | CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments. "My | | | | | | |
| | Steven Amador | Re: [EXTERNAL] | Tue 1/9/2024 2:00 PM | 60 KB | | | |
| | Awesome, thank you so much! | | | | | | |
| 📧 | Gilbert Alvo | [EXTERNAL] Deser... | Tue 1/9/2024 1:55 PM | 67 KB | | | |
| | CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments. My | | | | | | |
| 📧 | bartram olsen | [EXTERNAL] Union... | Tue 1/9/2024 1:04 PM | 56 KB | | | |
| | CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments. My | | | | | | |
| 📧 | John Reyes | [EXTERNAL] Electr... | Tue 1/9/2024 12:58 ... | 53 KB | | | |
| | CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments. | | | | | | |
| 📧 | Audra Hernandez | [EXTERNAL] | Tue 1/9/2024 12:34 ... | 66 KB | | | |
| | CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments. "My | | | | | | |
| 📧 | Mark Montenegro | [EXTERNAL] Electi... | Tue 1/9/2024 11:58 ... | 63 KB | | | |
| | CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments. Sent | | | | | | |
| 📧 | Ramon Martinez | [EXTERNAL] Union... | Tue 1/9/2024 11:22 ... | 51 KB | | | |
| | CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments. Can I | | | | | | |
| 📧 | Jacob Martinez | [EXTERNAL] Electr... | Tue 1/9/2024 10:52 ... | 57 KB | | | |
| | CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments. Hello, | | | | | | |
| 📧 | Cody Cooper | [EXTERNAL] Union... | Tue 1/9/2024 10:48 ... | 50 KB | | | |
| | CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments. Can | | | | | | |
| 📧 | Steven Amador | [EXTERNAL] | Tue 1/9/2024 6:34 AM | 51 KB | | | |
| | CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments. Hey | | | | | | |
| 📧 | Ventura Salas | [EXTERNAL] Secret... | Mon 1/8/2024 6:43 P... | 50 KB | | | |
| | CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments. Hello, | | | | | | |
| 📧 | Jeshua Reaser | [EXTERNAL] | Mon 1/8/2024 2:41 P... | 53 KB | | | |
| | CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments. Good | | | | | | |
| 📧 | Sherlyn Gutierrez | [EXTERNAL] | Mon 1/8/2024 2:39 P... | 50 KB | | | |
| | CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments. Good | | | | | | |
| 📧 | John Reese | [EXTERNAL] | Thu 1/4/2024 4:54 PM | 52 KB | | | |
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| 📧 | John Hiebert | [EXTERNAL] Local ... | Thu 1/4/2024 2:20 PM | 51 KB | | CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments. Hello, | |
| 📧 | Aaron Rivera | [EXTERNAL] REQU... | Thu 1/4/2024 12:00 ... | 49 KB | | CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments. | |
| 📧 | Denae Ponce | [EXTERNAL] Union | Thu 1/4/2024 11:56 ... | 49 KB | | CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments. | |
| 📧 | Brandon Reese | [EXTERNAL] Secret... | Thu 1/4/2024 1:53 AM | 52 KB | | CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments. I | |
| 📧 | Sylvia Sierra | [EXTERNAL] Electi... | Wed 1/3/2024 12:40 ... | 50 KB | | CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments. Sorry | |
| | Sylvia Sierra | [EXTERNAL] | Wed 1/3/2024 11:49 ... | 50 KB | | CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments. | |
| 📧 | Mike Davila | [EXTERNAL] Ballot | Wed 1/3/2024 6:48 ... | 50 KB | | CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments. I am | |
| 📧 | Ray Lewis | [EXTERNAL] | Wed 1/3/2024 1:46 ... | 52 KB | | CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments. | |
| 📧 | Marcus Salas | [EXTERNAL] Electr... | Tue 1/2/2024 5:10 PM | 52 KB | | CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments. Hello, | |
| 📧 | james flores | [EXTERNAL] | Tue 1/2/2024 1:28 PM | 65 KB | | CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments. My | |
| 📧 | Gilbert Alvo | [EXTERNAL] Decer... | Tue 1/2/2024 1:21 PM | 63 KB | | CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments. Hello | |
| 📧 | Benny Franklin | [EXTERNAL] Electi... | Tue 1/2/2024 11:17 ... | 52 KB | | CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments. My | |
| 📧 | Genaro Marin | [EXTERNAL] | Tue 1/2/2024 4:08 AM | 49 KB | | CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments. This | |
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| 📧 | Dustin Gnader | [EXTERNAL] Electr... | Sun 12/31/2023 6:24... | 58 KB | | CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments. | |
| 📧 | 📎 Adam Arzaga | Re: [EXTERNAL] | Fri 12/29/2023 11:07... | 485 KB | | On Wed, Dec 27, 2023, 9:51 AM Huchmala, Matt, PELRB <Matt.Huchmala@pelrb.nm.gov <mailto:Matt.Huchmala@pelrb.nm.gov> > | |
| 📧 | Shelby Mead | [EXTERNAL] Recivi... | Thu 12/28/2023 6:46... | 51 KB | | CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments. Hello | |
| 📧 | Jay Urbaniak | [EXTERNAL] Grant ... | Thu 12/28/2023 8:52... | 57 KB | | CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments. My | |
| 📧 | wicky Placencio | [EXTERNAL] Grant ... | Thu 12/28/2023 8:37... | 53 KB | | CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments. My | |
| 📧 | macario arroyos sr | [EXTERNAL] Re: Gr... | Thu 12/28/2023 8:33... | 55 KB | | CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments. | |
| 📧 | David Kettenhofen | [EXTERNAL] Deser... | Thu 12/28/2023 8:29... | 61 KB | | CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments. Hi my | |
| 📧 | 📎 Shawn Carrasco | [EXTERNAL] Re: U... | Wed 12/27/2023 9:2... | 3 MB | | CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments. Sent | |
| 📧 | William Villines | Re: [EXTERNAL] U... | Wed 12/27/2023 4:3... | 494 KB | | For Grant county | |
| 📧 | William Villines | [EXTERNAL] Union... | Wed 12/27/2023 2:0... | 62 KB | | CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments. Hi I | |
| 📧 | Mark Montenegro | [EXTERNAL] In gra... | Wed 12/27/2023 8:4... | 60 KB | | CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments. Sent | |
| | Mark Montenegro | [EXTERNAL] My na... | Wed 12/27/2023 8:3... | 62 KB | | CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments. Sent | |
| 📧 | Adam Arzaga | [EXTERNAL] | Wed 12/27/2023 8:3... | 50 KB | | CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments. | |
| 📧 | Shawn Carrasco | [EXTERNAL] Union | Wed 12/27/2023 8:2... | 51 KB | | CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments. | |
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| ! | | | | From | Subject | Received | Size | Categor... | Mention | |
|---|--|--|--|----------------|----------------------|------------------------|-------|------------|---------|--|
| | | | | Armando Medina | [EXTERNAL] Local ... | Tue 12/26/2023 2:40... | 53 KB | | | |
| | | | | Joe Melendez | [EXTERNAL] Union... | Tue 12/26/2023 1:03... | 56 KB | | | |
| | | | | Justin Foster | [EXTERNAL] Local ... | Tue 12/26/2023 10:3... | 52 KB | | | |
| | | | | Ceaser Torres | [EXTERNAL] Local ... | Sun 12/24/2023 10:3... | 54 KB | | | |
| | | | | Aaron Ordonez | [EXTERNAL] Grant ... | Sun 12/24/2023 7:41... | 55 KB | | | |
| | | | | Jade Benavidez | [EXTERNAL] Local ... | Thu 12/21/2023 12:0... | 70 KB | | | |

| Date | Voter Name | Voter ID | Action | IP Address |
|-----------------|-----------------------|------------------------|-------------------------------------|----------------|
| 1/10/2024 19:02 | Aaron Ordonez | ajo4517@yahoo.com | Voter email instructions delivered. | |
| 1/10/2024 19:53 | Aaron Ordonez | ajo4517@yahoo.com | Voter login: Success | 174.62.55.114 |
| 1/10/2024 19:54 | Aaron Ordonez | ajo4517@yahoo.com | Voter successfully submitted ballot | 174.62.55.114 |
| 1/10/2024 19:02 | Aaron Rivera | arivera@grantcountynm. | Voter email instructions delivered. | |
| 1/10/2024 19:02 | Adam Arzaga | adamarzaga@gmail.com | Voter email instructions delivered. | |
| 1/10/2024 19:14 | Adam Arzaga | adamarzaga@gmail.com | Voter login: Success | 174.56.52.218 |
| 1/10/2024 19:16 | Adam Arzaga | adamarzaga@gmail.com | Voter successfully submitted ballot | 174.56.52.218 |
| 1/10/2024 19:19 | Adam Arzaga | adamarzaga@gmail.com | Voter login: Fail | 174.56.52.218 |
| 1/10/2024 19:19 | Adam Arzaga | adamarzaga@gmail.com | Voter login: Fail | 174.56.52.218 |
| 1/10/2024 19:19 | Adam Arzaga | adamarzaga@gmail.com | Voter login: Fail | 174.56.52.218 |
| 1/10/2024 19:02 | Armando Medina | amedina@grantcountynr | Voter email instructions delivered. | |
| 1/10/2024 19:41 | Armando Medina | amedina@grantcountynr | Voter login: Success | 172.59.1.77 |
| 1/10/2024 19:42 | Armando Medina | amedina@grantcountynr | Voter successfully submitted ballot | 172.59.1.77 |
| 1/10/2024 19:02 | Audra Hernandez | ahernandez@grantcount | Voter email instructions delivered. | |
| 1/10/2024 20:27 | Audra Hernandez | ahernandez@grantcount | Voter login: Success | 192.119.46.189 |
| 1/10/2024 20:27 | Audra Hernandez | ahernandez@grantcount | Voter successfully submitted ballot | 192.119.46.189 |
| 1/10/2024 19:02 | Bart Olsen | bolsen@grantcountynm. | Voter email instructions delivered. | |
| 1/10/2024 19:05 | Bart Olsen | bolsen@grantcountynm. | Voter login: Success | 172.59.0.88 |
| 1/10/2024 19:07 | Bart Olsen | bolsen@grantcountynm. | Voter successfully submitted ballot | 172.59.0.88 |
| 1/10/2024 19:02 | Benjamin Franklin | bjfranklin62@gmail.com | Voter email instructions delivered. | |
| 1/10/2024 23:54 | Benjamin Franklin | bjfranklin62@gmail.com | Voter login: Success | 208.72.43.223 |
| 1/10/2024 23:55 | Benjamin Franklin | bjfranklin62@gmail.com | Voter successfully submitted ballot | 208.72.43.223 |
| 1/10/2024 19:02 | Brandon Reese | breese@grantcountynm. | Voter email instructions delivered. | |
| 1/10/2024 19:03 | Brandon Reese | breese@grantcountynm. | Voter login: Success | 174.62.55.194 |
| 1/10/2024 19:03 | Brandon Reese | breese@grantcountynm. | Voter successfully submitted ballot | 174.62.55.194 |
| 1/10/2024 19:02 | Brawn Aguirre | brawntrue@gmail.com | Voter email instructions delivered. | |
| 1/10/2024 20:51 | Brawn Aguirre | brawntrue@gmail.com | Voter login: Success | 192.119.46.189 |
| 1/10/2024 20:52 | Brawn Aguirre | brawntrue@gmail.com | Voter successfully submitted ballot | 192.119.46.189 |
| 1/10/2024 19:02 | Cesar Torres | ctorres@grantcountynm. | Voter email instructions delivered. | |
| 1/10/2024 19:03 | Cesar Torres | ctorres@grantcountynm. | Voter login: Success | 172.59.0.94 |
| 1/10/2024 19:04 | Cesar Torres | ctorres@grantcountynm. | Voter successfully submitted ballot | 172.59.0.94 |
| 1/10/2024 19:02 | Cody Cooper | ccooper@grantcountynr | Voter email instructions delivered. | |
| 1/10/2024 21:48 | Cody Cooper | ccooper@grantcountynr | Voter login: Success | 174.240.17.129 |
| 1/10/2024 21:48 | Cody Cooper | ccooper@grantcountynr | Voter successfully submitted ballot | 174.240.17.129 |
| 1/10/2024 22:53 | David Kettenhofen | dkett10@gmail.com | Voter email instructions delivered. | |
| 1/10/2024 23:52 | David Kettenhofen | dkett10@gmail.com | Voter login: Success | 174.240.22.179 |
| 1/10/2024 23:53 | David Kettenhofen | dkett10@gmail.com | Voter successfully submitted ballot | 174.240.22.179 |
| 1/10/2024 19:02 | Denae Ponce | dponce@grantcountynm | Voter email instructions delivered. | |
| 1/11/2024 1:57 | Denae Ponce | dponce@grantcountynm | Voter login: Success | 192.119.44.141 |
| 1/11/2024 1:57 | Denae Ponce | dponce@grantcountynm | Voter successfully submitted ballot | 192.119.44.141 |
| 1/10/2024 19:02 | Doris Sierra-Terrazas | dsierra@grantcountynm. | Voter email instructions delivered. | |
| 1/11/2024 15:37 | Doris Sierra-Terrazas | dsierra@grantcountynm. | Voter login: Success | 192.119.46.189 |
| 1/11/2024 15:37 | Doris Sierra-Terrazas | dsierra@grantcountynm. | Voter successfully submitted ballot | 192.119.46.189 |
| 1/10/2024 19:02 | Dustin Gnader | dgnader@grantcountynr | Voter email instructions delivered. | |
| 1/10/2024 20:09 | Dustin Gnader | dgnader@grantcountynr | Voter login: Success | 73.26.81.148 |
| 1/10/2024 20:10 | Dustin Gnader | dgnader@grantcountynr | Voter successfully submitted ballot | 73.26.81.148 |
| 1/10/2024 20:10 | Dustin Gnader | dgnader@grantcountynr | Voter login: Fail | 73.26.81.148 |
| 1/10/2024 21:29 | Edmund Lucero-Lewis | rlewis@grantcountynm.g | Voter email instructions delivered. | |
| 1/10/2024 22:45 | Edmund Lucero-Lewis | rlewis@grantcountynm.g | Voter login: Success | 104.28.111.171 |
| 1/10/2024 22:46 | Edmund Lucero-Lewis | rlewis@grantcountynm.g | Voter successfully submitted ballot | 104.28.111.171 |
| 1/10/2024 19:02 | Gilbert Alvo | badboyz1036@yahoo.co | Voter email instructions delivered. | |

APPENDIX N

| | | | | |
|-----------------|----------------------|-------------------------|-------------------------------------|-----------------|
| 1/10/2024 19:59 | Gilbert Alvo | badboyz1036@yahoo.co | Voter login: Success | 73.26.178.4 |
| 1/10/2024 20:00 | Gilbert Alvo | badboyz1036@yahoo.co | Voter successfully submitted ballot | 73.26.178.4 |
| 1/10/2024 19:02 | Jacob Martinez | jmartinez@grantcountyn | Voter email instructions delivered. | |
| 1/10/2024 20:15 | Jacob Martinez | jmartinez@grantcountyn | Voter login: Success | 192.119.46.189 |
| 1/10/2024 20:15 | Jacob Martinez | jmartinez@grantcountyn | Voter successfully submitted ballot | 192.119.46.189 |
| 1/10/2024 19:02 | Jade Benavidez | jbenavidez@grantcounty | Voter email instructions delivered. | |
| 1/10/2024 19:04 | Jade Benavidez | jbenavidez@grantcounty | Voter login: Success | 172.59.0.244 |
| 1/10/2024 19:04 | Jade Benavidez | jbenavidez@grantcounty | Voter successfully submitted ballot | 172.59.0.244 |
| 1/10/2024 19:02 | Jay Urbaniak | urbaniakjay@gmail.com | Voter email instructions delivered. | |
| 1/10/2024 20:11 | Jay Urbaniak | urbaniakjay@gmail.com | Voter login: Success | 172.59.197.117 |
| 1/10/2024 20:11 | Jay Urbaniak | urbaniakjay@gmail.com | Voter successfully submitted ballot | 172.59.197.117 |
| 1/10/2024 23:04 | Jay Urbaniak | urbaniakjay@gmail.com | Voter login: Fail | 172.59.197.117 |
| 1/10/2024 19:02 | John Hiebert | jhiebert@grantcountynm | Voter email instructions delivered. | |
| 1/11/2024 0:57 | John Hiebert | jhiebert@grantcountynm | Voter login: Success | 172.59.0.224 |
| 1/11/2024 0:58 | John Hiebert | jhiebert@grantcountynm | Voter successfully submitted ballot | 172.59.0.224 |
| 1/11/2024 0:59 | John Hiebert | jhiebert@grantcountynm | Voter login: Fail | 172.59.0.224 |
| 1/10/2024 19:02 | John Reese | jreese@grantcountynm.ξ | Voter email instructions delivered. | |
| 1/11/2024 16:14 | John Reese | jreese@grantcountynm.ξ | Voter login: Success | 174.218.18.80 |
| 1/11/2024 16:15 | John Reese | jreese@grantcountynm.ξ | Voter successfully submitted ballot | 174.218.18.80 |
| 1/10/2024 19:02 | John Reyes | spartan134x@gmail.com | Voter email instructions delivered. | |
| 1/10/2024 19:35 | John Reyes | spartan134x@gmail.com | Voter login: Success | 174.56.52.81 |
| 1/10/2024 19:36 | John Reyes | spartan134x@gmail.com | Voter successfully submitted ballot | 174.56.52.81 |
| 1/10/2024 19:02 | Justin Foster | jfoster@grantcountynm.ι | Voter email instructions delivered. | |
| 1/10/2024 19:07 | Justin Foster | jfoster@grantcountynm.ι | Voter login: Success | 174.205.224.186 |
| 1/10/2024 19:09 | Justin Foster | jfoster@grantcountynm.ι | Voter successfully submitted ballot | 174.205.224.186 |
| 1/10/2024 19:02 | Lynn Baca | lbaca@grantcountynm.g | Voter email instructions delivered. | |
| 1/10/2024 19:04 | Lynn Baca | lbaca@grantcountynm.g | Voter login: Success | 192.119.46.189 |
| 1/10/2024 19:05 | Lynn Baca | lbaca@grantcountynm.g | Voter successfully submitted ballot | 192.119.46.189 |
| 1/10/2024 19:02 | Marcos Arroyos | arroyosrmacario@gmail | Voter email instructions delivered. | |
| 1/10/2024 19:58 | Marcos Arroyos | arroyosrmacario@gmail | Voter login: Success | 174.240.176.163 |
| 1/10/2024 19:59 | Marcos Arroyos | arroyosrmacario@gmail | Voter successfully submitted ballot | 174.240.176.163 |
| 1/10/2024 22:55 | Marcus Salas | msalas@grantcountynm | Voter email instructions delivered. | |
| 1/10/2024 23:52 | Marcus Salas | msalas@grantcountynm | Voter login: Success | 174.56.53.194 |
| 1/10/2024 23:52 | Marcus Salas | msalas@grantcountynm | Voter successfully submitted ballot | 174.56.53.194 |
| 1/10/2024 19:02 | Mark Montenegro | FejoMontenegro47@hotr | Voter email instructions delivered. | |
| 1/10/2024 19:18 | Mark Montenegro | FejoMontenegro47@hotr | Voter login: Success | 172.59.1.241 |
| 1/10/2024 19:20 | Mark Montenegro | FejoMontenegro47@hotr | Voter login: Success | 172.59.0.141 |
| 1/10/2024 19:21 | Mark Montenegro | FejoMontenegro47@hotr | Voter successfully submitted ballot | 172.59.0.141 |
| 1/10/2024 19:02 | Mike Davila | mdavila@grantcountynr | Voter email instructions delivered. | |
| 1/10/2024 19:44 | Mike Davila | mdavila@grantcountynr | Voter login: Success | 192.119.46.93 |
| 1/10/2024 19:45 | Mike Davila | mdavila@grantcountynr | Voter successfully submitted ballot | 192.119.46.93 |
| 1/10/2024 19:02 | Ramon Martinez | jkmartinez3@gmail.com | Voter email instructions delivered. | |
| 1/10/2024 22:55 | Ramon Martinez | jkmartinez3@gmail.com | Voter login: Success | 174.218.18.46 |
| 1/10/2024 22:55 | Ramon Martinez | jkmartinez3@gmail.com | Voter successfully submitted ballot | 174.218.18.46 |
| 1/10/2024 19:02 | Robert Ortiz | bates0137@gmail.com | Voter email instructions delivered. | |
| 1/10/2024 23:29 | Robert Ortiz | bates0137@gmail.com | Voter login: Success | 174.205.162.34 |
| 1/10/2024 23:30 | Robert Ortiz | bates0137@gmail.com | Voter successfully submitted ballot | 174.205.162.34 |
| 1/10/2024 19:02 | Robert Zamarripa | rzamarripa@grantcounty | Voter email instructions delivered. | |
| 1/11/2024 17:05 | Robert Zamarripa | rzamarripa@grantcounty | Voter login: Success | 192.119.46.189 |
| 1/11/2024 17:05 | Robert Zamarripa | rzamarripa@grantcounty | Voter successfully submitted ballot | 192.119.46.189 |
| 1/10/2024 19:02 | Rosalinda Valenzuela | RoseV20@icloud.com | Voter email instructions delivered. | |
| 1/11/2024 0:26 | Rosalinda Valenzuela | RoseV20@icloud.com | Voter login: Success | 174.231.20.58 |

APPENDIX N

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|-----------------|----------------------|-------------------------|-------------------------------------|-----------------|
| 1/11/2024 0:28 | Rosalinda Valenzuela | RoseV20@icloud.com | Voter login: Success | 174.231.20.58 |
| 1/11/2024 0:28 | Rosalinda Valenzuela | RoseV20@icloud.com | Voter successfully submitted ballot | 174.231.20.58 |
| 1/10/2024 19:02 | Ruben Flores | djdefine575@yahoo.com | Voter email instructions delivered. | |
| 1/10/2024 20:01 | Ruben Flores | djdefine575@yahoo.com | Voter login: Success | 172.59.0.116 |
| 1/10/2024 20:02 | Ruben Flores | djdefine575@yahoo.com | Voter successfully submitted ballot | 172.59.0.116 |
| 1/10/2024 19:02 | Rudy Garcia | grudy2821@gmail.com | Voter email instructions delivered. | |
| 1/11/2024 0:54 | Rudy Garcia | grudy2821@gmail.com | Voter login: Success | 108.147.172.108 |
| 1/11/2024 0:55 | Rudy Garcia | grudy2821@gmail.com | Voter successfully submitted ballot | 108.147.172.108 |
| 1/10/2024 19:02 | Shawn Carrasco | shawncarrasco@gmail.com | Voter email instructions delivered. | |
| 1/10/2024 19:11 | Shawn Carrasco | shawncarrasco@gmail.com | Voter login: Success | 174.240.17.143 |
| 1/10/2024 19:12 | Shawn Carrasco | shawncarrasco@gmail.com | Voter successfully submitted ballot | 174.240.17.143 |
| 1/11/2024 15:55 | Shawn Carrasco | shawncarrasco@gmail.com | Voter login: Fail | 174.205.231.161 |
| 1/10/2024 19:02 | Shelby Mead | smead@grantcountynm. | Voter email instructions delivered. | |
| 1/11/2024 4:07 | Shelby Mead | smead@grantcountynm. | Voter login: Success | 172.59.1.15 |
| 1/11/2024 4:10 | Shelby Mead | smead@grantcountynm. | Voter login: Success | 172.59.1.15 |
| 1/11/2024 4:10 | Shelby Mead | smead@grantcountynm. | Voter successfully submitted ballot | 172.59.1.15 |
| 1/10/2024 19:02 | Sherlyn Gutierrez | sgutierrez@grantcountyr | Voter email instructions delivered. | |
| 1/10/2024 21:55 | Sherlyn Gutierrez | sgutierrez@grantcountyr | Voter login: Success | 172.59.1.11 |
| 1/10/2024 21:57 | Sherlyn Gutierrez | sgutierrez@grantcountyr | Voter successfully submitted ballot | 172.59.1.11 |
| 1/10/2024 19:02 | Steven Amador | stamador3@gmail.com | Voter email instructions delivered. | |
| 1/10/2024 20:29 | Steven Amador | stamador3@gmail.com | Voter login: Success | 174.240.176.47 |
| 1/10/2024 20:29 | Steven Amador | stamador3@gmail.com | Voter successfully submitted ballot | 174.240.176.47 |
| 1/10/2024 21:57 | Steven Amador | stamador3@gmail.com | Voter login: Fail | 174.240.176.47 |
| 1/10/2024 19:02 | Travis Cano | trvs_cn@yahoo.com | Voter email instructions delivered. | |
| 1/10/2024 19:06 | Travis Cano | trvs_cn@yahoo.com | Voter login: Success | 174.238.233.83 |
| 1/10/2024 19:10 | Travis Cano | trvs_cn@yahoo.com | Voter successfully submitted ballot | 174.238.233.83 |
| 1/10/2024 19:02 | Victor Placencio | wickyplacencio22@gmai | Voter email instructions delivered. | |
| 1/10/2024 20:07 | Victor Placencio | wickyplacencio22@gmai | Voter login: Success | 172.59.0.212 |
| 1/10/2024 20:09 | Victor Placencio | wickyplacencio22@gmai | Voter successfully submitted ballot | 172.59.0.212 |
| 1/10/2024 19:02 | Walker Mize | wrmize@grantcountynm. | Voter email instructions delivered. | |
| 1/10/2024 19:08 | Walker Mize | wrmize@grantcountynm. | Voter login: Success | 172.59.1.5 |
| 1/10/2024 19:12 | Walker Mize | wrmize@grantcountynm. | Voter successfully submitted ballot | 172.59.0.187 |
| 1/10/2024 19:02 | William Mize | wmize@grantcountynm.; | Voter email instructions delivered. | |
| 1/11/2024 12:41 | William Mize | wmize@grantcountynm.; | Voter login: Success | 216.147.122.247 |
| 1/11/2024 12:41 | William Mize | wmize@grantcountynm.; | Voter successfully submitted ballot | 216.147.122.247 |
| 1/10/2024 19:02 | William Villines | villines11@yahoo.com | Voter email instructions delivered. | |
| 1/10/2024 19:11 | William Villines | villines11@yahoo.com | Voter login: Success | 172.59.1.154 |
| 1/10/2024 19:11 | William Villines | villines11@yahoo.com | Voter successfully submitted ballot | 172.59.1.154 |

APPENDIX N

| Date | Voter Name | Voter ID | Action | IP Address |
|-----------------|-----------------|---------------------------|-------------------------------------|-----------------|
| 1/11/2024 19:50 | Alejandro Gomez | agomez@grantcountynm.gov | Voter email instructions delivered. | |
| 1/11/2024 20:01 | Alejandro Gomez | agomez@grantcountynm.gov | Voter login: Success | 174.218.18.142 |
| 1/11/2024 20:02 | Alejandro Gomez | agomez@grantcountynm.gov | Voter successfully submitted ballot | 174.218.18.142 |
| 1/10/2024 23:44 | Genaro Marin | gmarin@grantcountynm.gov | Voter email instructions delivered. | |
| 1/11/2024 0:35 | Genaro Marin | gmarin@grantcountynm.gov | Voter login: Success | 174.218.21.53 |
| 1/11/2024 0:36 | Genaro Marin | gmarin@grantcountynm.gov | Voter successfully submitted ballot | 174.218.21.53 |
| 1/10/2024 23:44 | Jeshua Reaser | jreaser@grantcountynm.gov | Voter email instructions delivered. | |
| 1/11/2024 0:35 | Jeshua Reaser | jreaser@grantcountynm.gov | Voter login: Success | 172.59.1.248 |
| 1/11/2024 0:36 | Jeshua Reaser | jreaser@grantcountynm.gov | Voter successfully submitted ballot | 172.59.1.248 |
| 1/10/2024 23:44 | Sam Garcia | sgarcia@grantcountynm.gov | Voter email instructions delivered. | |
| 1/11/2024 0:20 | Sam Garcia | sgarcia@grantcountynm.gov | Voter login: Success | 73.242.172.60 |
| 1/11/2024 0:21 | Sam Garcia | sgarcia@grantcountynm.gov | Voter successfully submitted ballot | 73.242.172.60 |
| 1/10/2024 23:44 | Sylvia Sierra | ssierra@grantcountynm.gov | Voter email instructions delivered. | |
| 1/11/2024 15:07 | Sylvia Sierra | ssierra@grantcountynm.gov | Voter login: Success | 192.119.46.189 |
| 1/11/2024 15:26 | Sylvia Sierra | ssierra@grantcountynm.gov | Voter successfully submitted ballot | 192.119.46.189 |
| 1/10/2024 23:44 | Ventura Salas | vsalas@grantcountynm.gov | Voter email instructions delivered. | |
| 1/10/2024 23:55 | Ventura Salas | vsalas@grantcountynm.gov | Voter login: Success | 174.234.205.170 |
| 1/10/2024 23:55 | Ventura Salas | vsalas@grantcountynm.gov | Voter successfully submitted ballot | 174.234.205.170 |

APPENDIX O

From: [Griego, Tom, PELRB](#)
To: [Jay Urbaniak](#)
Subject: Investigation of Election Objections
Date: Monday, January 29, 2024 12:45:00 PM
Attachments: [image001.jpg](#)

Good afternoon Mr. Urbaniak:

I'm getting conflicting stories about what former Sheriff Frank Gomez may or may not have said to County employees about the election. I would like to verify his statements as related to you by the two airport employees you mentioned having a conversation with and also the other two Airport employees who were standing by but not participating in your conversation. Can you tell me the names of any or all of those employees?

Thomas J. Griego

Executive Director

Public Employee Labor Relations Board

2929 Coors Blvd NW, Suite 303

Albuquerque, NM 87120

Tom.Griego@pelrb.nm.gov

Ph: 505.831.5422

Fax: 505.831.8820





**STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD**

MICHELLE LUJAN GRISHAM
Governor

THOMAS J. GRIEGO
Executive Director

INTEROFFICE MEMORANDUM

To: Tom Griego
From: Matthew Huchmala
Subject: Call to Jay Urbaniak re Objections to Election in 335-23
Date: February 12, 2024
cc:

You asked me to contact Jay Urbaniak and seek more details regarding the alleged conversations between former sheriff Frank Gomez and some unidentified airport employees. I was able to contact Mr. Urbaniak by telephone on February 12, 2023 at approximately 2:00 p.m. When asked about the identities of the employees who were participants in the alleged conversations, Mr. Urbaniak refused to provide them. He stated that the subject of the conversations was the cost of health insurance should the decertification be successful.

STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

RESULTS OF SECRET BALLOT ELECTION

PETITIONER: Joseph Urbaniak
LABOR ORGANIZATION: AFSCME Council 18
PELRB CASE NO. 335-23
DATE OF ELECTION: Thursday, January 11, 2024
TYPE OF ELECTION Electronic and Mail-in ballots

- 1. Total Number of Eligible Voters 66
- 2. 40% of Eligible Voters Equals: 27
- 3. Total Ballots Cast 46
- 4. Was the 40% Requirement Met? YES
- 5. Total Number of "YES" Votes for Decertification 15
- 6. Total Number of "NO" Votes against Decertification 31
- 7. Number of Challenged Ballots 6
 - Challenged Ballots Rejected by Supervisor 6
 - Challenged Ballots Accepted by Supervisor 0
- 8. Invalid Votes 6
- 9. Percent of Employees in Bargaining Unit indicating support For Decertification 33%

THE ABOVE IS A TRUE STATEMENT OF THE ELECTION RETURNS.

Election Supervisor Thomas J Griego Date: January 12, 2024
The undersigned acted as authorized 825B41CFF4524B3... observers in the counting and tabulating of ballots indicated above. We hereby certify that the counting and tabulation were fairly and accurately done, that the secrecy of the ballots was maintained, and that the results were as indicated above. We also acknowledge service of this tally.

Observer: NONE For: Petitioner Date: _____

Observer: Stephen Curtice For: Respondent Date: 1/24/2024
BD831CCE68514D5...
Stephen Curtice