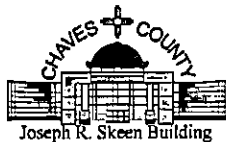




**CHAVES COUNTY
BOARD OF COUNTY COMMISSIONERS**

**Richard C. Taylor, Chairman
Michael J. Perry, Vice Chair**



**Dara Dana, Member
R. Cliff Waide, Member
Herbert "Hub" Corn, Member**

William B. Williams, County Manager

SPECIAL MEETING MINUTES

FRIDAY, DECEMBER 5, 2025

CHAVES COUNTY ADMINISTRATIVE CENTER – JOSEPH R SKEEN BUILDING

#1 ST. MARY'S PLACE, ROSWELL, NM 88203

CALL TO ORDER

Chairman Taylor called the meeting to order at 9:00 am.

PLEDGE OF ALLEGIANCE

Commissioner Corn led the pledge, and Commissioner Dana led in prayer.

DETERMINATION OF QUORUM

Those present were Commissioners Taylor, Dana, and Corn. Also present were County Manager Bill Williams, Public Services Director Alex Palomino, County Clerk Cindy Fuller, media, staff, and guests.

APPROVAL OF AGENDA

MOTION MADE TO: APPROVE THE AGENDA
MOTION MADE BY: COMMISSIONER DANA
SECOND MADE BY: COMMISSIONER CORN
IN FAVOR: COMMISSIONERS TAYLOR, DANA, AND CORN
OPPOSED: NONE

AGENDA ITEMS

1. CANVASS THE RECOUNTED RACES FROM THE 2025 LOCAL ELECTION

Presenter: Cindy Fuller, Chaves County Clerk

Mrs. Fuller provided an update on the post-election voting system check conducted for the 2025 Regular Local Election as well as the automatic recounts required by statute. At least 90 days before each statewide election, the Secretary of State contracts with an auditor—qualified by the State Auditor to audit state agencies—to oversee a check on the accuracy of the voting system. For this audit, a random sample of precincts was publicly selected on November 17, 2025, at the State Land Office by the accounting firm Zlotnick & Sandoval. The procedures for this audit are established in §1-14-13.2 NMSA and administrative rule 1.10.23.9 NMAC. All precincts statewide are eligible for selection. For Chaves County, Precincts 13, 85, and 91 were chosen. The auditors provided the required worksheets, including chain-of-custody forms, hand-tally sheets, and summary worksheets.

As required, our office posted the audit notice three days in advance, both in the Clerk's Office and on the county website. We also contacted the Sheriff's Department, and Lieutenant Drake oversaw the secure transport of all ballot boxes to Area D, where the audit was conducted. District Court Judge James Hudson was present for the unlocking, sorting, and counting of the ballots. Every transfer or movement of ballots was logged on a chain-of-custody form.

For a Regular Local Election, statute requires that three contests be hand-tallied—the three with the closest margins between the top two candidates.

Precinct 13 — 183 Ballots

- Roswell Mayor: Tim Jennings / Christopher Hensley
- Roswell City Council Ward 3: Kurt Gass / Judy Stubbs
- Chaves Soil & Water: Joe Barraza / Michael Lackey

Precinct 85 — 118 Ballots

- Roswell Mayor: Tim Jennings / Christopher Hensley
- Roswell City Council Ward 4: Robert Corn / Emily Valencia
- Chaves Soil & Water: Joe Barraza / Michael Lackey

Precinct 91 — 167 Ballots

- Roswell Mayor: Tim Jennings / Christopher Hensley
- Roswell City Council Ward 5: Angela Moore / James Ridgway
- Chaves Soil & Water: Joe Barraza / Michael Lackey

Each hand tally was conducted by a two-person team—one reading ballots aloud and one marking the tally sheet. The hand-tally results were then compared to the voting machine tape totals.

Under statute:

- Within 26 days after the election, the auditor determines whether further sampling is required.
- Within 39 days, the auditor determines whether a full hand count is required.

Because no discrepancies were found in any of the audited precincts, we do not anticipate further sampling. While no action is required by the Commission, I wanted to report that the audit was completed successfully and without issue.

Automatic Recount

An automatic recount is triggered when the canvass shows either:

- a margin of less than 1% between two candidates, or
- a difference of five or fewer votes.

On November 13, 2025, I notified the Secretary of State that two races—entirely within Chaves County—met the criteria for an automatic recount. The New Mexico State Canvassing Board ordered the recount to begin on December 2, 2025, at 9:00 a.m.

Dexter Municipal Judge - Vote for one

- Bill Wells – 60
- Charles McClain – 63

Dexter School Board – Vote for Three

- Andrea Batista – 204
- Nancy Miles – 196
- Luis Davalos – 136
- Ryan Regalado – 135

Because three seats were open, the recount focused on the two candidates separated by one vote: Luis Davalos (136) and Ryan Regalado (135).

Our recount procedures mirrored those used in the post-election audit, with the key difference being that a five-member election board—each of whom served in the 2025 Regular Local Election—was hired for the process. District Court Judge James Hudson again monitored all movement of ballots.

The statute requires that 100 ballots per contest be hand-tallied. Ballot totals pulled for the recount were:

- Precinct 47 – 0 ballots
- Precinct 73 – 15 ballots

- Precinct 74 – 43 ballots
- Precinct 101 – 187 ballots
- Precinct 105 – 57 ballots

Tabulation Error Identified

During the recount, we discovered a one-vote discrepancy in the Dexter School Board contest. Election-night results showed:

- Davalos – 136
- Regalado – 135

The recount indicated a tie:

- Davalos – 135
- Regalado – 135

Judge Hudson and a representative from Liberty Vote, formerly known as Dominion Voting, assisted in reviewing all materials.

We traced the discrepancy to one absentee ballot. Nine absentee ballots were cast in precincts containing the Dexter School Board race. The ballot in question clearly shows that the voter selected only one candidate, Nancy Miles, with no marks for any other candidate. However, when retrieving the ballot scan, the tabulator showed a faint smudge through the name of Luis Davalos, which the system interpreted as a vote.

Liberty Vote explained that this was caused by a dirty mylar scanner, which can leave a smudge on a ballot during the scanning process and inadvertently register a mark.

Liberty Vote performs preventative maintenance on all machines prior to each election, and our office also purchases additional cleaning sheets. However, this incident reinforces the importance of continued maintenance, monitoring, and—when possible—upgrading equipment.

Resolution of Tie Vote

Yesterday, December 4, 2025, Judge Hudson and candidate Luis Davalos, along with me, met at the courthouse. Candidate Ryan Regalado was out of town and was emailed a Google link to log in to the meeting. Mr. Regalado was given until 3:20 to log in and never did. Based on default, Judge Hudson declared Luis Davalos the winner of the race, and he will serve the two-year term on the Dexter School Board.

Once certified, the Secretary of State will issue the official certificate of nomination.

Closing Remarks

I stand by the accuracy and transparency of our election processes. Although the tabulation error was isolated and corrected through our established safeguards, it highlights the need for continued diligence, especially as our voting equipment ages.

Our Dominion, Liberty Vote, scanners were first acquired in 2014, with most replaced in 2018. These machines are the property of the State of New Mexico, and administrative rules outline strict requirements for storage, operating temperatures, humidity, and maintenance. We follow all required procedures, and I remain open to any recommendations from the Commission to further strengthen our processes.

The Commissioners had a few follow-up questions.

MOTION MADE TO: APPROVE THE RECOUNT RESULTS OF THE 2025 REGULAR LOCAL ELECTION MOTION MADE BY: COMMISSIONER DANA SECOND MADE BY: COMMISSIONER CORN IN FAVOR: COMMISSIONERS TAYLOR, DANA, AND CORN OPPOSED: NONE

UNSCHEDULED COMMUNICATIONS ARE LIMITED TO THREE MINUTES PER VISITOR NOT TO EXCEED 15 MINUTES. NO FORMAL ACTION WILL BE TAKEN BY THE COMMISSION

Cathy Crossley – 4700 Zuni Dr., Roswell, NM

Ms. Crossley stated that Mr. Corn is asking the right questions. She got involved in this in 2021 and asked Cindy at that time if we needed to do a forensic audit, and she was not sure what I was asking for. You have to have a code to get into the machines, and the Secretary of State will not allow that. Our County Clerk and her staff are the best anywhere. She would trust them with anything, but we need to back them up. In 2020, Cindy found a vote that had been flipped by the machine from Trump to Biden. She couldn't get anyone to listen because it was only one vote. In a very small audit, how do we know it's just one vote, and when do they actually take action? When it's 5 votes? 10? 20? 50? 100? 1,000? One vote is too many. If a machine can do that, we need another system. Her idea is for each County to buy its own machine, tabulator, and get off of the State's machines because they control them. In 2020, they went in and scanned everything, but they didn't know what they were doing. They haven't come up with any good answers. The Sheriff's Office wouldn't do anything, the FBI wouldn't do anything, because it was just one vote, but that's one too many. She thanked Cindy and her staff for everything they do because they are above board.

Larry Marker – 87 Bluebell Rd., Roswell, NM

Mr. Marker stated he would like to get put on January's agenda. He had some paperwork that outlined the New Mexico statutes that require the certification of the machines and a summary of the arguments they have going statewide. Sandoval and Bernalillo counties are having some of the same issues we are having. He gave the paperwork to Bill and asked him to hand it out. In January, he is going to request that the Chaves County Commission take action on an urgent matter of potentially barring the use of uncertified and malfunctioning components of the New Mexico voting system in Chaves County pending the certification and compliance of the system. Liberty is already talking about smudges on screens and things like that. Well, if you're going to force our County Clerk to work with outdated equipment, software that needs to be updated, the main problem with the machines, besides the age, is the software. It's completely outdated. To get the new certification, they would have to update the software statewide. This explains the excuses that the Secretary of State is using to not have those machines updated and why they can't be completely certified. He's already had a judge tell him that he proved the certification of machines is not compliant, but the Judge didn't feel like he had the jurisdiction to do anything about it, and then he told him to get the Legislature to do something. He dismissed the case. We are obviously going to have some legislative issues, and we will be asking for new machines. There isn't a way to not certify elections; they had that battle in Otero County. Our only option is to be a little bit proactive and go to the Secretary of State and say, "If you are going to require our County Clerk to use this equipment, then give her some equipment that actually works, that is modern, and we need to have some confidence in it".

Ron Martinez – 2801 W. 25th St., Roswell, NM

Mr. Martinez stated, "I hate each and every one of you, you all have your hair". The ETZ has an ordinance, 80-1, and there are provisions in this ordinance that are being violated and overlooked. It's a non-conforming use, and there is, to his knowledge, no variance, no special use certificate, and no zoning regulation change for this neighbor's property. Planning and Zoning have made attempts to help him and have been instrumental in advancing this cause. He appreciates every effort they have made. He believes there are obstacles in place preventing them from doing their duties. He doesn't have proof of that, but believes in his heart that's what is happening here. He is not sure how the City Manager or the Attorney plays into this, but again, there are outside forces creating a barrier for them to do their job.

COUNTY MANAGER'S COMMUNICATIONS

Mr. Williams stated he is glad we made it through yet another canvass of our elections. He asked everyone to keep Ornell Fuller in their thoughts and prayers as he had a minor surgery this morning. The fire last night was really something. All of our fire departments came together and worked well. The Mayor was out this morning showing pictures and said this was an "all call" response, and the firetrucks' response to get above the fire helped get it under control quickly. We are thankful our community has such good equipment for our fire departments – both County and City – and all the people willing to help. Commissioner Waide is not here this morning. He is in Oregon at the NACO Western meeting. He will have more information to share with us on

renewable energy and data centers when he returns. We had a great Thanksgiving, our staff did really well, and we are looking forward to Christmas. He thanked the Commission for all they do for us. The next meeting will be on the 18th.

COMMISSIONERS' COMMUNICATIONS

COMMISSIONER DANA

Commissioner Dana thanked Cindy for bringing this to their attention. Liberty has taken over Dominion, and it will be interesting to see how they go forth. Plus, we have a budget session coming up. She got on Facebook at 4:00 this morning and saw the fire and that everyone was out there. She thanked our County for keeping up with the fire departments. Everybody talks when we buy some of this new equipment, but it's nice to show up for something as large as that and be able to use the equipment – your tax dollars literally at work. She thanked the taxpayers for allowing them to buy the equipment. She had a good Thanksgiving and will see everyone again on the 18th.

COMMISSIONER CORN

Commissioner Corn thanked Cindy and stated the Judge did the right thing in doing what he did since the other fellow didn't show up. He thanked the Sheriff's Department for their response to an incident yesterday, along with the State Police. It's the wrong time of year to be walking north on 285 without a jacket or a bag or anything. He didn't know if the individual was on drugs or mentally disturbed, but he was walking out in the middle of the highway into oncoming traffic. They ended up having to hold him until the police got there. After the State Police got there, everything started turning on him being the bad guy. He thanked them for their response; it was a little slow, being that he had to hold the guy down for 30 minutes. He thanked the rest of the staff and the people in the back for their comments. He appreciates them for the work they are doing. Over Thanksgiving, he got blessed with another grandkid on the way.

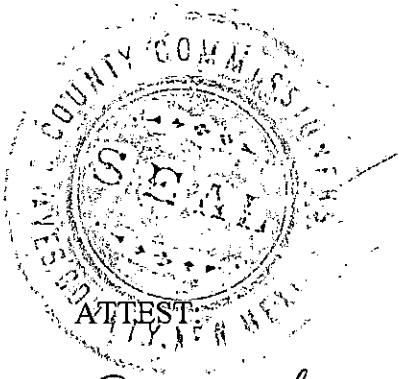
COMMISSIONER TAYLOR

Commissioner Taylor told Cindy he wanted to say a big thank you to her and her office. Again, you run a very great election system, and even this deal on the recounts shows the quality that we have in your office, and we really appreciate you and your entire staff and what you do. Obviously, the law does state that if there is a close election, you do have a hand recount, and there was a one-vote difference there, but it shows that basically, your office is doing an excellent job. We had another groundbreaking yesterday for an equipment company next to the Amazon warehouse. It was very cold, but it was a great event. It's nice to see new companies investing in our community. As Christmas is approaching, please have compassion in your heart and reach out to some of the less fortunate people, and hopefully, we can help them have a nice Christmas as well.

SIGNATURE OF DOCUMENTS

ADJOURNMENT

The meeting was adjourned at 9:38 am.



Cindy Fuller
Cindy Fuller, County Clerk

BOARD OF CHAVES COUNTY COMMISSIONERS

Richard E. Taylor
Richard E. Taylor, Chairman

Michael J. Perry
Michael J. Perry, Vice-Chairman

Dara Dana
Dara Dana, Member

R. Cliff Waide
R. Cliff Waide, Member

Herbert 'Hub' Corn
Herbert 'Hub' Corn, Member