

Downfall: How the campaign finance enforcer became a law breaker

Written by By Andy Lyman and Joey Peters NM Political Report
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SANTA FE – Minutes after pleading guilty to multiple felonies on Oct. 23, former Secretary of State Dianna Duran hardly acknowledged her wrongdoing to reporters outside the courtroom in Santa Fe.

Instead, she repeatedly emphasized how her criminal behavior—which included using campaign money to pay for personal use at casinos—had nothing to do with how she “preserved the integrity of the electoral process” in her five years as head of state elections. She characterized her embezzling and laundering of campaign money as “poor personal financial decisions” that didn’t have “anything to do with the integrity of the office.”

“I know and believe that I have done a tremendous job not only as Secretary of State but in my state senate years and as county clerk,” Duran told reporters.

Resigning as Secretary of State came only as part of a plea deal she just made with Attorney General Hector Balderas. She resigned just before midnight the night before her guilty plea.

“In order for us to accept the plea, that was one of the conditions,” Duran explained. “I still believe I can conduct the office the way we have for five years, but it was part of a plea

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agreement that, again, I made for the best interest of my family and the state of New Mexico.”

Duran’s self-congratulatory remarks about her integrity, of course, is a matter of opinion.

In her nearly five years as the state’s second-highest elected Republican official, critics accused Duran of exaggerating instances of voter fraud, flubbing attempts to purge the voting rolls of out-of-date registration records and laxly enforcing campaign finance rules.

In 2011, shortly after becoming the first Republican to hold the office since Calvin Coolidge was president, Duran referred 64,000 voter registration records to the state Department of Public Safety for investigation of possible fraud. Only 19 such instances of people wrongly casting ballots were found and none were charged in criminal cases.

The following year, Duran was criticized for sending confusing mailers to 177,000 registered voters in an attempt to purge the rolls of those deemed “inactive.” Some of the mailers, in fact, went out to active voters like Common Cause New Mexico Voting Rights Director Diane Wood and the wife of state Rep. Brian Egolf.

Duran’s legal troubles began in late August when Balderas charged her with 64 counts of criminal activity, including fraud, money laundering and embezzlement. According to the complaint, Duran had funneled her own campaign money into a personal account from which she withdrew large amounts at casinos around the state.

The complaint also claimed that Duran issued a check to Sean Davis, who was later revealed as the father of Duran’s grandchild, for campaign work. The check appeared to be endorsed by Davis and signed over to Duran. But Davis told investigators he did not endorse the check or do any work for Duran’s campaign.

This was not one of the six charges to which Duran eventually pleaded guilty.

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Elected officials from around the state weighed in on the charges, including Gov. Susana Martinez.

Martinez issued a statement to the media and called the allegations “troubling and concerning.”

“It’s important that New Mexicans understand that no one is above the law and that every New Mexican is treated equally throughout our system,” Martinez said.

Lawmakers on the other side of the aisle quickly jumped at the opportunity to call for Duran’s impeachment. Democratic House leadership called on Speaker of the House Don Tripp, R-Socorro, to take action. Tripp quickly formed a bipartisan investigatory committee to look into the possibility of impeachment.

That committee only had time to meet once before Duran resigned.

When Duran showed up for her first court appearance, it was the first time most people, including her staff, had seen her. The Secretary of State’s Chief of Staff told reporters that Duran had taken personal leave but remained in contact with her staff.

Meanwhile, the list of lawmakers who were under review by Duran’s office for campaign finances began to grow longer. Less than a week after Balderas filed charges against her, Duran referred 31 cases of potential campaign violations to his office.

Balderas later sent them back to Duran, stating that his office wouldn’t give her office legal counsel while the charges against her were pending.

Several other potential campaign violations from names not on the list of 31 cases, such as state Reps. Antonio “Moe” Maestas, D-Albuquerque, James Madalena, D-Jemez Pueblo, and Andy Nuñez, R-Hatch, also surfaced in the media.

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Duran, in fact, has been criticized for her office's perceived picking and choosing when it comes to handling of ethics complaints. In 2012, she doled out a swift fine of \$1,200 to former Democratic state Sen. Mary Jane Garcia for using campaign money for expenditures reported as "Cash." Garcia claimed the money was used for travel expenses related to her work as a public official and not for political purposes, which is barred by state law.

Garcia also repaid \$3,980 that had been withdrawn from her campaign account. Garcia went on to lose in the general election.

The same year, Duran stalled for months on complaints that Reform New Mexico Now, a Republican super PAC, had failed to report \$205,000 in campaign donations from two big donors. Six months after state primary elections on which Reform spent roughly \$2 million, Duran fined the super PAC \$250.

One of the PAC's unreported contributions at issue came from Mack Energy Corporation, an oil and gas company based in southeastern New Mexico.

Among Duran's six guilty pleas was a campaign finance violation where she failed to accurately report Mack Energy Corporation donations to her own reelection campaign for Secretary of State in 2014. Duran's failure to report \$12,700 in contributions from the company violated state campaign finance rules and equals a criminal misdemeanor.

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