

**STATE OF NEW MEXICO  
COUNTY OF SANTA FE  
FIRST JUDICIAL DISTRICT**

**DANIEL J. SECRIST and KEN LONG,  
on their own behalf and on behalf of a  
class of similarly-situated State employees,**

**Plaintiffs,**

**v.**

**No. D-101-CV-2017-02792**

**STATE OF NEW MEXICO,  
NEW MEXICO STATE PERSONNEL  
OFFICE, and JUSTIN R. NAJAKA,  
New Mexico State Personnel Director,**

**Defendants.**

**ORDER GRANTING PERMANENT INJUNCTION**

THIS MATTER came before the court on a hearing on Plaintiffs' Request for Permanent Injunctive Relief, and the Court having considered the pleadings, the arguments of the parties, and being otherwise fully informed in the premises, **FINDS** that the Request is well taken and a Permanent Injunction will be **GRANTED**. The legal basis for the Court's Order is outlined in its decision read from the bench on November 8, 2017. Specifically, the Court **FINDS**:


1. The Parties have been afforded necessary opportunities in this process to present all factual information to the Court, and have made all legal argument that they believe is relevant. Parties have stipulated that there are no disputed facts regarding this dispute.
2. NMSA 1978, § 1-12-42(A) (2001) provides that "[o]n election day a voter may absent himself from employment in which he is engaged for two hours for the purpose of voting between the time of opening and the time of closing the polls. The voter shall not be

liable for any penalty for such absence; however, the employer may specify the hours during this period in which the voter may be absent.” The Court concludes that this provision applies to municipal elections in New Mexico and that it requires the State of New Mexico to allow its employees to use paid administrative leave to vote in a manner which is consistent with the statute.

**IT IS THEREFORE ORDERED** that a Permanent Injunction is **GRANTED** as follows:

1. The State of New Mexico shall allow its employees to use paid administrative leave to vote in municipal elections in a manner which is consistent with NMSA 1978, § 1-12-42(A) (2001).
2. If an immediate review of the Court’s decision is requested, Plaintiff must transcribe the FTR so the reviewing Court has the Trial Court’s full reasoning as documented on the record of 11/8/2017.

Dated:

  
The Honorable David K. Thomson  
DISTRICT COURT JUDGE

11/8/2017

3:00pm

Submitted by:

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